

By Mr. LONERGAN: A bill (H. R. 19956) granting an increase of pension to Margaret Hoary; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 19957) granting an increase of pension to Stephen B. Garrigus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19958) granting an increase of pension to Amanda Tichenor; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 19959) granting a pension to Ellen Morris; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 19960) granting an increase of pension to James T. Thrasher; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 19961) granting a pension to Fred M. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19962) granting an increase of pension to William B. Jenness; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 19963) granting a pension to Mary E. Roseberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19964) granting an increase of pension to John Canote; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 19965) granting an increase of pension to Erick Lawson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 19966) granting a pension to Charles E. Hilliard; to the Committee on Pensions.

Also, a bill (H. R. 19967) granting an increase of pension to William S. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19968) granting an increase of pension to Joseph W. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting an increase of pension to William A. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19970) granting an increase of pension to Preston C. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19971) granting an increase of pension to Daniel H. Hampton; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 19972) granting an increase of pension to Minor M. Webb; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 19973) for the relief of the legal representatives of Robert G. Crozier; to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Memorial of Woman's Christian Temperance Union of Kingston, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petitions of William McKillip, O. J. Fay, T. H. Suckling, F. J. Wolf, Frank Glessner, and the Diamond Hardware Co., all of Hollidaysburg, Pa., favoring passage of House bill 5308, taxing mail-order houses; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Memorial of Long Beach (Cal.) Chamber of Commerce, favoring House joint resolution 372, providing for a national security commission to inquire into the question of the preparedness of the United States for war; to the Committee on Rules.

By Mr. BRODBECK: Petition of 118 people of Delta, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Badger Press, of Milwaukee, and the Lakeside Printing Co., of Racine, Wis., protesting against the Government printing return envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of Wisconsin Laundrymen's Association, of Fond du Lac, Wis., relative to Chinese labor and competition; to the Committee on Labor.

Also, petition of M. L. Boyce, of Milwaukee, Wis., protesting against the Menace being sent through the mails; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of International General Fishermen's Association, protesting against the passage of the Flood bill, relative to the kind of nets used by fishermen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Stella B. Hatch and 360 others, in support of a law to protect calves and cattle from freezing in transit on the railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of citizens of Pana, Ill., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the twenty-first district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. HOUSTON: Petition of citizens of Howell, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of Samuel W. Irwin, of East Greenwich, and Rev. P. A. Canada, of Barrington, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. McKENZIE: Petitions of citizens and church organizations of Freeport and other cities in the thirteenth Illinois district, favoring national prohibition; to the Committee on Rules.

By Mr. MOON: Petition of citizens of Salt Creek, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY: Petition of citizens of Coyle and Perkins, Okla., favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Church of Nowata, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Gideon A. Burgess, of the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PARKER of New Jersey: Petition of sundry citizens of Newark, N. J., protesting against the use of the mails by a publication called the Menace; to the Committee on the Post Office and Post Roads.

By Mr. PROUTY: Petition of citizens of Dexter, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petitions of citizens of Slater, Polk City, Cambridge, Maxwell, Collins, Sheldahl, Elkhart, Altoona, Bondurant, Pella, Mitchellville, Gilbert Station, Ames, Nevada, and Colo, in the State of Iowa, in favor of H. R. 5308, providing for regulation of mail-order concerns; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of 250 members of the First Baptist Church of New Market, and congregation of the First Presbyterian Church of Perth Amboy, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany H. R. 9955, granting a pension to John B. Bishop; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petition of members of regiments serving in past Indian wars, relative to pensions for said survivors, etc.; to the Committee on Pensions.

Also, petition of Western Association of Short Line Railroads, protesting against the passage of House bill 17042, changing the basis of mail transportation rates; to the Committee on the Post Office and Post Roads.

Also, petitions of the Norwegian-Danish Methodist Episcopal Church, Woman's Christian Temperance Union, and the Olivet congregation, Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

Also, petitions of William L. Hovis Co., Reliable Print Shop, and Classy Printing Co., all of Los Angeles, Cal., protesting against the printing of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

Also, memorial of Angel City Court, of Catholic Order of Foresters, of Los Angeles, Cal., favoring the passage of the Hamill bill—H. R. 5139; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Nebraska: Petition of 30 citizens of Monroe, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. THOMAS: Petition of sundry citizens and church organizations of the State of Kentucky, favoring national prohibition; to the Committee on Rules.

#### SENATE.

TUESDAY, December 15, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee that we may be possessed with the passion of eternity. The pressing duties of this little world and this little life bring us constantly to the thought of things that pertain to time. Within this sphere our whole duty lies, but in the upper range and reach of life are our aspiration and our destiny. Preserve us from that littleness of life that would keep us constantly with our eyes on this earth only. May not our appetites, starved small by the continual view and use of this world, rob us of our higher aspirations and the hopes that are eternal. Speak to us out of Thine own eternity that we may live the larger life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

TRAVEL OF EMPLOYEES IN INTERSTATE COMMERCE COMMISSION  
(H. DOC. NO. 1351).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the travel of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1914, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, and it was thereupon signed by the Vice President.

CREDENTIALS.

Mr. BRYAN presented the credentials of DUNCAN U. FLETCHER, chosen by the electors of the State of Florida a Senator from that State for the term of six years beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented petitions of sundry citizens of St. Francis, Satanta, Bison, and Florence, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Belcher, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented a petition of the Junior Order United American Mechanics of Putnam County, Fla., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Portland, Oreg., and a petition of members of the Methodist Preachers' Meeting of New York, N. Y., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of West Newbury, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland and of the District of Columbia, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Municipal Council of Taunton, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Board of Trade of Everett, Mass., praying for the creation of a national security commission, which was referred to the Committee on Military Affairs.

Mr. BURLEIGH presented petitions of sundry citizens of Kennebunk, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OWEN presented petitions of sundry citizens of Skedee, Yale, and Ralston, all in the State of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented petitions of the congregation of the Tabernacle Methodist Episcopal Church, of Providence; of the Delta Alpha Class of the Tabernacle Methodist Episcopal Church, of Providence; and of the Frances Willard Class of the Tabernacle Methodist Episcopal Church, of Providence, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 6922) for the relief of Mrs. George A. Miller; to the Committee on Claims.

A bill (S. 6923) granting a pension to Anna Buck; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6924) granting an increase of pension to John E. Darrah (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6925) granting a pension to Henry Scott (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6926) granting an increase of pension to Charles P. Harmon (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6927) granting a pension to Francis Hendricks (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6928) granting an increase of pension to James Inman; and

A bill (S. 6929) granting an increase of pension to George O. Miller; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6930) granting an increase of pension to John H. Masterson (with accompanying papers);

A bill (S. 6931) granting an increase of pension to William Carter (with accompanying papers); and

A bill (S. 6932) granting an increase of pension to Maria T. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6933) granting an increase of pension to Peter P. Chocey; and

A bill (S. 6934) granting a pension to Anna Irwin; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6935) granting an increase of pension to Martin Perkins (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 6936) to provide for commissioned officers for the reserve and volunteer forces of the United States in time of actual or threatened war; to the Committee on Military Affairs.

A bill (S. 6937) for the relief of Thomas F. Veno; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6938) granting an increase of pension to Eloise Warner (with accompanying papers); and

A bill (S. 6939) granting a pension to Sarah A. Boll (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 6940) making an appropriation to investigate the insects attacking clover plants in the States of California, Oregon, Washington, Idaho, Montana, Nevada, and Utah; to the Committee on Agriculture and Forestry.

By Mr. PENROSE:

A bill (S. 6941) to correct the military record of Jacob Nice (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6942) granting a pension to Augustus O. Hartel;

A bill (S. 6943) granting a pension to Daniel S. Gilbert;

A bill (S. 6944) granting an increase of pension to John W. Hendrickson;

A bill (S. 6945) granting a pension to Albert J. Emery;

A bill (S. 6946) granting a pension to Sarah A. Spriggle;

A bill (S. 6947) granting an increase of pension to William Fenner;

A bill (S. 6948) granting an increase of pension to George Swisher (with accompanying papers); and

A bill (S. 6949) granting an increase of pension to Mary M. Stuard (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6950) granting a pension to Blanche F. Nash; to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 6951) for the relief of the heirs and legal representatives of Jules Lapené and Auguste Ferré; to the Committee on Claims.



By Mr. CHAMBERLAIN:

A bill (S. 6952) granting a pension to Jesse J. Lamkin (with accompanying papers); and

A bill (S. 6953) granting an increase of pension to Joseph S. Herndon (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6954) granting an increase of pension to George W. Case (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 6955) granting an increase of pension to Ellen M. Bellows; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6956) granting an increase of pension to Victoria S. Day; to the Committee on Pensions.

#### THE JUDICIAL CODE.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STERLING (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$10,000 on deposit to the credit of the Creek Indians and pay the same to the trustees of the Henry Kendall College, intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

#### HOUSE BILL REFERRED.

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### WAR SUPPLIES TO BELLIGERENT NATIONS.

Mr. WORKS. Mr. President, yesterday morning, when I was absent from the Senate on committee service, the chairman of the Committee on Foreign Relations asked that the bill (S. 6862) to forbid the furnishing of war materials to belligerent nations, introduced by me, be transferred from the Committee on Military Affairs to the Committee on Foreign Relations. The Senator, I understand, acted upon the supposition that the bill had been referred to that committee upon my request. That was a mistake. The reference was made by the Chair without direction from me, and I think very properly, to the Committee on Military Affairs. I inquired about it later and was so informed, and expressed my willingness that it should remain in that committee, giving as my reason that it would probably be acted upon more speedily by that committee than by the Committee on Foreign Relations. So the Chair, no doubt, understood that the reference was made at my request. I have no objection, however, if the chairman of the Committee on Foreign Relations thinks it should go to his committee that the transfer should be made.

Mr. STONE. I will state to the Senator that that was done yesterday.

Mr. WORKS. I understood that the Senator very courteously allowed the matter to go over until I might be present in the Senate. Am I mistaken in that?

Mr. STONE. I will say to the Senator that when I called it up yesterday morning in the first instance neither the Senator from California nor the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs, was present, and I asked that the matter might be deferred until one or both of them should be present. Afterwards I had a conference with the Senator from California, and he said, sub-

stantially, what he has said now. Still, I waited until the chairman of the Committee on Military Affairs came in, when I asked him his opinion of it. He concurred with my view, and on his request the Committee on Military Affairs was discharged from the further consideration of the bill and it was referred to the Committee on Foreign Relations.

Mr. WORKS. Mr. President, that was done in my absence.

Mr. STONE. I had no idea the Senator objected to that disposition, from what he had said to me.

Mr. WORKS. I am not complaining of the chairman of the Committee on Foreign Relations. I do desire, however, to say a word respecting the bill and its transfer from one committee to the other.

It is important, in my judgment, that the bill should be speedily considered. My only fear was that the Committee on Foreign Relations, being engaged in what may be regarded as more important business, should allow this bill to remain unacted upon.

I may say, Mr. President, that the bill has evidently been misunderstood by some people, judging from the letters I have received respecting it. It seems to be understood that it would prevent the aid that is being extended now to innocent non-combatants who have suffered on account of the war. That was not intended, and the bill should have no such effect as that.

But, sir, we were not responsible for the beginning of this war. We have not been responsible for any lives that have been lost or property destroyed; but if the people of this country prolong the war by the aid that is being extended to the belligerents, or any of them, we will be responsible for the lives that are lost and the property destroyed by the continuance of the war.

We are claiming to be in favor of universal peace. We are not acting up to our pretensions. If the business men of this country are not patriotic enough and humanitarian enough to withhold the supplies that are being sent by the millions of dollars worth to the contending armies, I submit the Government should prevent the sale and furnishing of these materials to the belligerents. It was only with that object in view that the bill was introduced, and I think it extended no further than the supply of materials directly to the nations concerned or their armies.

I have here the proof of an editorial that is to appear or may have appeared, in the Journal of the Knights of Labor, which expresses some views upon this subject that I think may well be considered, and I ask leave to print it in the Record as a part of my remarks, without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Journal of the Knights of Labor.]

BOYCOTT WAR; A PRACTICAL PLAN FOR PEACE—WE CAN STOP EUROPEAN WAR, IF OUR PRAYERS ARE HONEST—SENATOR WORKS'S BILL.

The Chief Executive and the people of this Nation are constantly proclaiming their intense desire that the war shall end in Europe and that peace shall prevail everywhere. That is the right sort of feeling to have and maintain, but to a considerable extent the attitude and doings of the American people toward this war and concerning the bringing about of peace in the world seem to be mere hypocritical pretense. Our actions belie our words.

Ever since this war began we find everywhere expressed the faith and hope of the people that we are to gain great prosperity thereby and are to become richer by the vast trading which it is claimed is thereby opened up to us. Now, this is all very well and proper under certain conditions. But if the sending of our exports abroad has a tendency to aid the combatants and to continue warfare in Europe, then, if we square our actions with our words, we will not send these warring peoples a dollar's worth of our products until they stop fighting. We are a lot of greedy hypocrites as long as we express our desire for peace in Europe and at the same time continue to send to the nations at war their munitions of war or provisions which enable them to continue their warfare.

What is the actual situation to-day in this regard? We are daily reading in the press statements of vast contracts entered into by great manufacturing concerns in various parts of the country made with the different Governments now carrying on this war for bullets, for swords, for cannon and rifles, for bayonets, for powder, for submarines and aeroplanes—for every sort of implements and supplies used in carrying on modern warfare. We read also of vast numbers of horses and mules gathered up in the far and near sections of the country and shipped abroad to be tortured and shot to death in bloody warfare. We read of contracts made to furnish vast supplies of clothing and uniforms and everything that soldiers need. And we are congratulating ourselves and shaking hands and telling each other about the prosperity to come to us because of these contracts. The more we read and think about these contracts the greedier we become, and the great masters of industry are planning to make great gains out of these contracts, and American workmen are filled with hope and joy at the prospect of gaining work in the production of these things.

Now, if we stop to think about it we would at once realize that if we should carry out our protestations for peace we would at once cease to make these contracts, to make these implements of warfare, cease to furnish these supplies, and would show ourselves to be an honest and great people thereby. For it is plain that if these warring nations

could not secure these things they could no longer carry on this monstrous and hideous warfare. Probably the shutting off of these munitions and supplies on part of our country would end this war within less than 30 days. There is no place in all the world where the nations can get these necessary weapons and supplies except from this country. From sheer inability to continue fighting every nation would shortly be obliged to make peace, and the war would soon be ended.

Will we do this thing? The answer is we shall not do this thing because our protestations and prayers for peace are in the main sheer hypocrisy, and beneath them all lies unbounded greed. Even the neutrality to which as a Nation we are pledged is to-day a mere sham. Our claim of national neutrality has been made in such terms which, if we were honest and just toward all the nations engaged in this war, we would be bound to hold that none of these munitions and supplies could be sent, no matter by what sort of subterfuge they may be shipped and disguised or by what roundabout ways forwarded to the particular nation to whom they have been sold. As it is the very spirit and form of an honest neutrality is being daily violated and set at naught by our great producers and exporters of munitions of war, some of them the very men whose protestations and demands for peace and the cessation of warfare are the loudest. This is a sham through and through, and, of course, we will keep it up as long as there is a dollar in it.

The principle of all this thing, and the possibility of maintaining the same, is also embodied in the furnishing of food products to the nations at war. Our wheat and corn and flour and meat and scores of other things which we are sending to these nations, in result, perpetuate this warfare and enable them to continue their fighting. Without our products, some of the chief nations engaged in war to-day would be speedily brought to starvation point. It would be utterly impossible for their armies to be fed, and so great would be the needs and necessity of the working masses there that the cry for bread would drown out all thought of war. It may be said that this would be a severe measure to take in the name of peace, but it would be merciful indeed compared to the atrocities and destruction and death which the furnishing of such food products enables these countries to continue in this abominable warfare.

Of course we would lose, on the surface of things, much money by shutting off the volume of our food supplies in this way. But in the long run we could well afford to do this very thing, for a large share of the destruction and poverty due to this warfare has been and will be distributed to us now and in years to come. We have already levied a huge "war tax" against ourselves on account of this European war. As for our own needs and necessities, we are not obliged to buy a dollar's worth of anything from Europe to-day. We can provide from our own broad areas and magnificent resources everything of absolute need for our own welfare and necessity.

If commerce between this country and the warring nations should be absolutely brought to a standstill, for the reasons above referred to, we should show ourselves to be the noblest nation that ever existed on this earth—and the present European warfare would be ended and a long step taken toward the establishment of universal peace.

Under our Constitution no export taxes nor duties can be laid. Whether or not Congress could make a law forbidding the furnishing of munitions of war and supplies of any or all nature to the warring nations is a thing which has never yet been determined nor discussed. But that question will soon come up, and the manner in which it is discussed and decided will test the sincerity and honesty of the American people in this their almost universal prayers here being expressed for the cessation of European warfare.

The question will come up in the consideration to be made in Congress upon Senate bill 6862, just introduced by Senator WORKS, of California, the main feature of which is outlined in the following clause:

"Be it enacted, etc., That it shall be unlawful for any person, corporation, or association, a citizen or resident of, or doing business in the United States, to contract for, sell, supply, or furnish to any nation engaged in war, or its armies or soldiers, any food, clothing, supplies, arms, ammunition, horses, or war supplies of any kind, whether the same be contraband of war or not."

Mr. WORKS. In view of the consequences of delay and the continued supply of these munitions to the armies of the belligerent nations, I simply want to appeal to the chairman of the Committee on Foreign Relations to bring this matter to the attention of his committee at an early date so that it may receive fair and prompt consideration.

The VICE PRESIDENT. The morning business is closed.

#### ORDER OF BUSINESS.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. SMITH of South Carolina. I should like to inquire of the Senator from Missouri before he makes a motion to go into executive session if it is his opinion that the executive session will consume the balance of the day. The reason why I ask the question is because I am very anxious to get the unfinished business, the immigration bill, before the Senate and to push it to a speedy conclusion, whatever that may be. If we can get the executive matter out of the way speedily, I will be very glad to conserve all the time that is possible. I should like to know what the Senator's opinion is as to whether it would consume the balance of the day.

Mr. STONE. I hope not. The condition, the Senator understands, is such that I can not speak with any great degree of certainty in reply to his question. I think the matter ought to be disposed of at once, and I think we had better proceed with it.

Mr. CUMMINS. Before the motion of the Senator from Missouri is put I should like to make a suggestion to him. I do not believe very much progress could be made to-day upon the treaty, for reasons that were understood last night. While I do not intend to put any undue obstruction in the way, I had hoped that the Senator from Missouri would see his way clear to allow this day to pass without an executive session and take up the treaty to-morrow morning, with the idea then of going

right through with it and reaching a vote. I fear that a good deal of time to-day might be, in a sense, wasted.

Mr. STONE. Mr. President, of course I do not wish to waste time. I know that the Senator from South Carolina and other Senators are anxious to proceed as speedily as may be with the bill to which he refers. I have no wish to stand in the way or to obstruct the consideration of that measure. I can not understand why there should be any long delay in getting a vote upon the convention or treaty. I asked yesterday that we should agree upon a time to vote, and I was unable to get unanimous consent for the day I named—Thursday, I think it was. I will ask now if I can have unanimous consent for a vote. I will ask unanimous consent that we shall take a vote on the resolutions pending or any amendments thereto on Saturday next, beginning at 3 o'clock. If that is done, I shall not ask for an executive session to-day and will let the matter go over until to-morrow, awaiting the presence of the Senator from Wisconsin [Mr. LA FOLLETTE], who, as I am informed, desires to be heard on the subject before action is taken. I have every wish in the world to accommodate him. If this unanimous consent is given, the Senate will have, and the Senator from Wisconsin will have, Wednesday and a part of Thursday, such part of it as is not taken up by the special order which I think the Senator from Georgia [Mr. SMITH] has had fixed for that day, Friday, and Saturday until the time of voting. That would practically give three days for the consideration of the matter. Will the Senator from Iowa agree to that?

Mr. CUMMINS. Mr. President, the first suggestion I have to make is that the request, under the vote which the Senate passed a day or two ago, ought to be made in executive session rather than in open session. I should be very glad to have this matter considered in open session, but the Senate has voted otherwise.

Mr. STONE. I think the criticism of the Senator from Iowa is well taken, and that that ought to be done.

Mr. CUMMINS. I have no objection to telling the Senator from Missouri exactly how I feel about the matter.

This treaty affects directly and very substantially the bill we passed last October known as the seamen's bill. Everybody recognizes that; everybody admits it. The Senator from Wisconsin [Mr. LA FOLLETTE] is the author of that bill; he is not here, but will be here to-night; and I feel that no such agreement should be made in his absence. I am sure the Senator from Missouri will understand my position about that. So far as I am concerned nothing could please me more than to have an agreement to take a vote next Saturday; indeed, I see no reason for prolonging it even that far, but I do not feel under the circumstances that an agreement should be entered into until we have the presence of the Senator from Wisconsin, assuming that he will be here to-morrow morning.

Mr. STONE. Mr. President, I have not any doubt the Senator from Iowa is addressing the Senate with the utmost good faith and sincerity, and I think under the circumstances—

Mr. SMITH of South Carolina. May I ask the Senator from Missouri what is his proposition—that we begin on Thursday at 3 o'clock and reach a vote not later than when?

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. GALLINGER. It is that a matter that is purely executive is being discussed in open session.

The VICE PRESIDENT. The Chair has been so impressed, and would have long ago so ruled had the question been raised. This discussion is not in order in the open session of the Senate.

Mr. STONE. I think the Chair is entirely correct in that. Therefore I was about to remark, Mr. President, that under the circumstances I shall not move an executive session at this time.

#### REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. Mr. President, as the Senator from Missouri does not intend to make the motion to proceed to the consideration of executive business, I move that the Senate proceed to the consideration of the immigration bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. In section 9, page 18, line 23, before the word "physical," the Committee on Immigration propose to strike out the words "mental or," so as to read:



It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, one moment, before that amendment is adopted.

The VICE PRESIDENT. The statement of the Chair in reference to the amendment is withdrawn.

Mr. REED. Mr. President, we have previously had under discussion a provision somewhat similar to this, and it was referred back to the committee, I believe, at the committee's request. I wish to ask the chairman of the committee, before we pass upon the amendment—

Mr. SMITH of South Carolina. There is a difference in this case, Mr. President. The other clause had reference to the contract-labor law, while this has reference to the examination of aliens who come in. It imposes a restriction on those who bring them in, whereby under certain circumstances they are excluded. This provision has reference entirely to the fitness of such aliens physically and has no reference to the contract-labor law at all. The words "mental or" are proposed to be stricken out because there are already incorporated in the bill certain provisions with reference to the mental fitness of aliens proposed to be brought to this country. It will be remembered that previously we had some discussion in reference to "psychopathic inferiority," and so forth. This comes under that clause. Therefore, that having been provided for, the words "mental or" are proposed to be stricken out, and this clause is restricted purely to physical fitness.

Mr. REED. Mr. President, the physical features of this section, or, to state it more correctly, the provisions of the section relating to the physical conditions, are as much covered by the clauses in the preceding section to which the Senator from South Carolina has reference as are the mental qualifications covered by that same section. If it is necessary to have this section in order to protect us against those who are physically deficient, it ought to be equally necessary to have it in order to protect us against those who are mentally deficient.

Mr. SMITH of South Carolina. I beg to call the attention of the Senator from Missouri to the fact that this applies to transportation companies, and that there is ample provision made in the different sections of the bill, iterating and reiterating the fact that aliens will be examined to ascertain their mental capacity. It is hardly fair to impose upon the steamship companies, as set forth in this provision, the penalty for bringing in aliens who are mentally defective that would accrue in cases where there are physical defects which can easily be detected and are detected at the port of embarkation. Therefore, as I say, if the Senator from Missouri has properly read and digested the bill, he will realize that ample provision is made for the exclusion of those mentally deficient as well as those who are physically deficient.

Mr. REED. Now, Mr. President, I do not agree with the Senator. Reading the context—

Mr. SMITH of South Carolina. I suggest that the Senator read section 9.

Mr. REED. The section is directed against the transportation companies, and it provides that it shall be unlawful to bring from a foreign country to this country—

Any alien afflicted with idiosyncrasy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease.

That is the prohibitive clause. The second clause, the one now under consideration, provides:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

Mr. SMITH of South Carolina. Now, if the Senator from Missouri—

Mr. REED. Just one moment, Mr. President. With all the courtesy in the world to the Senator, I should like to finish my sentence. The prohibitive clauses which precede this, so far as they apply to mental conditions, are limited to insanity, imbecility, feeble-mindedness, epilepsy, and constitutional psychopathic inferiority, and also relate to physical defects.

Mr. SMITH of South Carolina. Now, Mr. President, if the Senator from Missouri will allow me—

Mr. REED. Mr. President, I will allow the Senator when I have concluded my sentence.

The VICE PRESIDENT. The Senator from Missouri has the floor, and has twice refused to yield.

Mr. REED. I will yield in a moment, but not just now.

Mr. SMITH of South Carolina. Take all the time you want.

Mr. REED. Mr. President, I intend to take all the time I want if the Senator desires to be discourteous, because he is proceeding by my courtesy and I am not proceeding by his.

If the term "mental" is stricken out in this provision, there may be a doubt introduced into the bill as to certain ailments. The question may arise whether or not they are covered by the terms of the bill. If the clause is left in as it was written in the House, that doubt will be removed. If the clause here is to be stricken out as to mental defects, then the whole of the clause relating to physical and mental defects should be stricken out for the same reason.

The Senator has stated that the reason the word "mental" is stricken out is because it may be difficult to discover a mental ailment. It certainly is no more difficult to discover an ordinary mental ailment than it is to discover constitutional psychopathic inferiority, which is left in the bill and which, if I understand the term or if the committee understands the term or if anybody understands the term—and nobody appears to understand the term—is in some vague, indefinite, and nebulous manner intended to refer to some sort of hereditary taints. So that it seems to me the term "mental" ought to be left in this bill at this point or else we ought to exempt these aliens entirely from any examination with reference to any character of mental diseases, whether psychopathic or whatever kind they may be.

Now I will yield to the Senator very gladly for any interruption he desires to make.

Mr. SMITH of South Carolina. Mr. President, I am very much obliged to the Senator for his courtesy, and I most abjectly apologize to him for my failure to draw the proper line of demarcation in interrupting him. I was a little hasty, perhaps, a moment ago in seeking to make the explanation.

I should like to state to the Senator that the reasons given for striking out the words "mental or," on page 5, line 5, are these: The committee in its report, after having gone over all these matters, makes this statement:

On page 5, line 8, strike out the words "mental or," so as to make the factor that determines rejection of the mentally defective the mere existence of the defect, not, as with the physically defective, the question whether the defect affects earning capacity.

An alien coming into this country when he is mentally defective is rejected because of the mere existence of the defect. He may not be afflicted with a loathsome or contagious disease; he may be physically defective, but yet not to the extent of affecting either his mental or earning capacity. In that case he is admitted. If he is so physically defective that he is likely to become a public charge, then he is rejected; but the words "mental or" in this case were stricken out so as not in any way to raise a question or jeopardize the preceding clauses and sections of the bill which provide for the rejection of an immigrant who is at all mentally defective.

The amendment is recommended for the purpose of clearness, and is designed to restrict that provision to the physically defective, giving the right to determine whether the physical defect affects the immigrant's earning capacity. If it does not, as I have said, he comes in, while if it does he is rejected; but if he is mentally defective, as set forth in the first part of the bill where ample provision is made concerning those mentally defective, he is rejected.

Mr. REED. Mr. President, that does not follow at all. There are many forms of mental ailments that are not covered by the specifications found in lines 5 and 6, which I read a few moments ago. The word "mental" ought to remain in the bill. It does not militate against nor limit, but rather extends, the meaning of the preceding phrase. Striking it out must mean that the committee is of the opinion that we ought to receive into this country all kinds of mentally defectives, unless they are afflicted with constitutional psychopathic inferiority, or insanity, or imbecility, or feeble-mindedness. At the same time that we are writing into the bill a provision excluding those who are not educated, we propose by this amendment to admit those who are mentally unsound if they do not come within the specific classification set forth in lines 5 and 6.

It seems to me that it introduces an element of doubt into the bill; it weakens the bill; and while I am opposed to the educational test I certainly am opposed to admitting into this country persons afflicted with any form of mental disease. I do not think we ought to make the United States the harbor and refuge and dumping ground of those who may be afflicted with some form of mental disorder that is not specifically named in the bill. If we are going back to exclude those who are afflicted with constitutional psychopathic inferiority, we ought

to exclude those who are afflicted with any other kind of mental inferiority; for it is as bad to be feeble-minded or idiotic by your own act or by your own misfortune as it is to be by heredity and by virtue of the sins of your ancestors or their misfortunes. So I think the word ought to stay in.

Mr. SMITH of South Carolina. Mr. President, in order that the Senate may not be confused at all, I hope every Senator will read section 9. It is very apparent that the section covers all possible cases of such mental defects as might perpetuate themselves after the alien has come into this country. It does not appear that physical disability, such as contagious disease, and so forth, has been so fully covered that one physically unable to earn a living would be excluded. He is not afflicted with any mental disease; he is not afflicted with any contagious disease, but has a physical defect which might result in his becoming a public charge; and that clause was put in simply for the purpose of being sure that such persons shall not be admitted. It is already in the existing law.

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect.

Now, the mental part is already amply provided for, and the repetition of it rather confuses the purport of this clause. Its purport is that when one is neither mentally nor physically incapacitated, from the standpoint of a disease or otherwise, except in such a way as might incapacitate him from earning a living and render him likely to become a public charge, then it is unlawful for him to come in. Our immigration officials have inspected him; he has passed the mental test; he has passed the disease test, but upon examination he is found to have some physical defect that is neither a disease nor a mental aberration and therefore is likely to become a public charge.

The committee and those in charge of framing this bill were doing their best to preserve as nearly as possible the standard of citizenship from a mental and physical standpoint. Striking out the words "mental or" does not in any sense of the word show any disposition to allow one mentally defective to come into the country, in that we have amply provided for it elsewhere and have restricted this clause to what might have been overlooked in the preceding clauses—that some one otherwise admissible might possibly become a public charge.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. I ask for a roll call, Mr. President.

Mr. GRONNA. Mr. President, before the vote is taken, if I may be permitted, I wish to make just a few observations.

I think the provision in this bill excludes any person with any physical defects. I desire to ask the chairman if it is not his understanding that the provision which we now have under consideration simply means that a person may have an affliction and yet, if he is able to earn a living, the Commissioner of Immigration or the Secretary of Labor may permit such a person to enter. That was my understanding when this provision was discussed, and I should like to ask the chairman of the committee if I correctly understand it.

I will put my inquiry in another form. When this provision was taken up I understood that it was simply a limitation. A person may have a physical defect, but if it is believed that he is capable of earning a living he may be permitted to enter. Is not that correct?

Mr. SMITH of South Carolina. Why, of course; that is right.

Mr. REED. Mr. President, I should like to ask the Senator a question, and I will make a preliminary statement. A reading of the section will make plain the effect of this amendment:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living.

If you should strike out the word "physical," then a man physically unable to earn a living could come in. If you strike out the word "mental," then one mentally unable to earn a living could come in. By striking out the word "mental," you leave it open to admit to this country those who are mentally unable to earn a living, while excluding those who are physically unable to earn a living.

That is the effect of this amendment. If it is fully covered before, it is not more fully covered than the physical requirements are fully covered.

I am opposed to striking out any provision of this bill which requires a man to be of sound mind, sound brain, sound intellect, when he comes to this country. The effect of this amendment is to exclude the physically deficient and admit the mentally deficient, all of which is in the interest of a higher civilization.

Mr. CHAMBERLAIN. Mr. President, it seems to me the position taken by the Senator from Missouri [Mr. REED] is eminently correct. I think it will be found that at most of the ports of entry many foreign vessels that come in bring those who are mentally defective and land them on our shores. I know it has been our experience in Oregon.

Mr. SMITH of South Carolina. If the Senator from Oregon will read section 9 in its entirety, together with other sections, he will find that ample legislation is proposed to be enacted to exclude the mentally defective. Such ample legislation is not proposed as to exclude all the physically defective. Therefore this provision is put in.

We have already provided for all possible mental contingencies. Now we say that those who are mentally sound and physically sound, who have not a disease that is contagious or dangerous, who have not any mental defects, but who may be physically unable to earn a living from the loss of an arm, the loss of a leg, or something of that kind, shall be excluded. If in the judgment of the inspecting officer the person is physically defective in such a way that he is likely to become a public charge, he is to be excluded.

I hope the Senator from Oregon will not get the idea that we have not made all possible provision for the inspection and rejection of all mentally defective persons. In order to have it clear-cut that we wanted to exclude from this country those who were physically unable to earn a living we put in this provision.

Mr. CHAMBERLAIN. But I should like to ask the Senator why he makes an exception in that particular part of the section in favor of those who may be mentally defective?

Mr. SMITH of South Carolina. Because the committee were of the opinion that we had already covered every possible mental contingency.

Mr. CHAMBERLAIN. Then it certainly can do no harm to leave it in there as a matter of precaution. I hope the committee amendment will be rejected.

Mr. GRONNA. Mr. President, if the Senator will refer to section 3, on page 4 of the bill, he will find that the matter is fully covered. It reads:

That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons—

And so on. Now, an alien sound in mind, but who may have lost a limb, a finger, or who may have some other defect or ailment, yet may be perfectly capable of earning a living. That is the reason why the provision was put in the bill; but we struck out the word "mental." The committee were of the opinion that any person who was not mentally sound should not be admitted; that if his mind was defective he should not be admitted; but he may have lost a limb or lost a finger or a hand and still may be capable of earning a living. That is what this amendment means, and all this provision means.

Mr. LANE. Mr. President, if you intend to keep out of this country people who are mentally defective, I do not see why you should strike out the provision which does exclude them.

It is known to be a fact—not susceptible of proof, however, I guess—that quite a large number of mentally defective persons are shipped into this country. They are rather encouraged to emigrate from other countries, and New York and other seaboard States receive quite a number of such immigrants whom they soon have to place in insane asylums and take care of for the remainder of their lives. There are some States so unkindly as to ship their insane persons into adjoining States, and we have passed laws in Oregon putting a stop to that. It has become a great burden.

If there is any doubt that this bill will exclude that class of immigrants, the words under discussion should be left in the bill. Why do you strike out the words that specifically exclude mentally defective persons if you are trying to exclude them?

Mr. GRONNA. If the Senator will read the whole clause, he will find that even if these words are stricken out those who are mentally unsound can not be admitted.

Mr. LANE. Yes; such persons as you define are excluded. Here, however, is a broader term, which covers all defects of mentality; and when you come to that broader term it takes in all of the others, and is the only term necessary for you to use. I am not speaking to the Senator personally, but impersonally. The committee strikes out that comprehensive term and confines itself to certain specific definitions of the types of mental defect against which it wishes to pass a law of exclusion.

It seems to me that if you are to strike out anything you should begin on your psychopathic constitutional inferiority, epileptics, feeble-minded persons, imbeciles, idiots, and other forms and types of mental defects, some of which are hard to



define, and cover the matter with the broad and comprehensive term of a mental defect. That will cover them all.

That attracted my attention. The chairman says that a man may be mentally defective, and yet, provided he can earn a living, he can still come into this country; but if he can not earn a living, or has failed to show his ability to do so, the bill will exclude him. If the ability to accumulate money is to be a test, neither Thomas Jefferson nor George Washington, if they had tried to emigrate to this country, could have been admitted, for they lost money in their business; and the blessed Savior himself never would have gotten within the 3-mile limit.

Mr. SMITH of South Carolina. Mr. President, I am sure the Senator from Oregon wants to quote me correctly. I did not say that a person might be mentally defective and yet earn a living. However, I do not desire to discuss that phase of the question longer, but simply to add the testimony of a member of the splendid profession of which the Senator from Oregon [Mr. LANE] is also a member.

Some of the leading physicians in New York and Massachusetts, as well as in the Northern and New England States, have compiled statistics to show that the increase of insanity among immigrants is appalling, and has become a tremendous burden upon the taxpayers of the States in which are located the large ports where these immigrants come. In order that the immigration officials might have ample authority of law to reject anyone who has in him a hereditary taint that might at any time reproduce itself in a violent form, they incorporated in the bill this term, so very appalling and startling to the layman, "constitutional psychopathic inferiority."

With the permission of the Senate, I should like to read a statement from Dr. Salmon, of the National Committee for Mental Hygiene, explanatory of a quite lengthy document that has been sent in, using very numerous technical terms, all of which I am quite sure are to the point when properly understood. At any rate, I take it for granted that these physicians, who came in contact with the appalling conditions that the committee were convinced exist in the hospitals of the insane and mentally defective in the States and in the places to which I have referred, have collaborated with the committee in order to protect to the fullest possible extent the continuance of this very burdensome and dangerous immigration. Dr. Salmon says:

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,  
50 Union Square, New York City, December 12, 1914.

Hon. ELLISON D. SMITH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: My attention has been called to the debate in the Senate December 10, 1914, on the proposed amendment to the immigration law which adds "constitutional psychopathic inferiority" to the excludable conditions.

This is one of the amendments which was suggested by a number of officials dealing with insanity and mental deficiency in the different States and by bodies of alienists last winter. It has been urged by the National Committee for Mental Hygiene, the American Medico-Psychological Association, the New York Psychiatric Society, the National Association for the Study of Epilepsy, the mental hygiene committee of the New York State Charities Aid Association, and a number of State medical societies. It was also recommended by Dr. Spencer L. Dawes in his report to the governor of New York as special commissioner on the alien insane; by Dr. L. Vernon Briggs, representing the Massachusetts State Board of Insanity; by Dr. Frank Woodbury, representing the committee in lunacy of the Pennsylvania State Board of Charities; and by Dr. Hugh Young, representing the Maryland State Lunacy Commission.

It is felt by all who have devoted especial study to the matter that the elimination of any of the amendments proposed for the exclusion of insane and mentally defective immigrants would be a distinct loss, for all of them were suggested only after very careful study of the problem at ports of entry and in public institutions of the United States which bear the heavy burden of the care of insane and mentally defective aliens.

Respectfully, yours,

THOMAS W. SALMON.

Therefore, as they know more perfectly than I, or any layman, the proper terms to use to exclude that class who come under their observation as placing a burden upon the taxpayers and upon the charity commissions and become a menace to the future population of this country, we have incorporated it at their suggestion and upon their assertion that it is sufficient.

Mr. LANE. Mr. President, in reply I will say I am not objecting to the incorporation of those terms, but later along the larger and more full term which covers all mental defects is stricken out.

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any—

The words "mental or" are stricken out—

physical defect of a nature which may affect his ability to earn a living.

It seems to me that by leaving in the word "mental" it would enlarge the scope of the bill. If it was intended to exclude mentally defective persons, why not leave it in?

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. Certainly.

Mr. GRONNA. The Senator, I think, misapprehends the meaning of this language. It was intended to give to the immigration authorities some discretion with reference to physical defects, but by striking out the words "mental or" they will be given no discretion, but will have to exclude all who are mentally defective. That is provided for in section 3. If the word "mental" which is in the bill is not stricken out, then aliens whose minds are defective may be permitted to land. By striking it out, they will not be permitted to land in this country. That is the effect of this language.

Mr. LANE. One of the most intelligent men I ever knew, one of the most accomplished and kindly men, a man who could earn his living anywhere, for 11 months in the year was as sane as anybody, but the other 30 days in the year he was the handiest and most accurate person with a butcher knife at a jugular vein that there was extant, and such a man could pass the immigration authorities under the terms of this bill. That man could earn a living, but he was an expensive proposition and dangerous withal. He was not suffering from any psychopathic constitutional inferiority. He was born as good as the next man, and with real blue blood in his veins, but at certain periods a form of circular insanity seized him and he was an interesting neighbor.

Mr. GRONNA. This provision simply seeks to keep out such men as that. We want immigrants who are sane for 12 months during the year and not for only 11 months. That is the idea.

Mr. LANE. He was mentally defective, but not under the terms of this bill. I think you had better leave in the word "mentally." That is my impression. I may be mistaken.

Mr. DILLINGHAM. Mr. President, the discussion has proceeded to some extent upon the theory that section 9, on page 18, is the section which recites the classes which are to be excluded; but that is not the fact. Section 3 of the bill contains a list of the excluded classes. Section 9 treats wholly upon the question of the examination of those making application for admission into the United States. I should like to call attention to a fact which has been overlooked to some extent, that this relates to the examination which is to be made on the other side of the water by the steamship companies before bringing immigrants to this country. Section 9 reads:

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation—

This is the clause to which I wish to call attention—

and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each and every violation of the provisions of this section.

It will be seen that this provision relates to the duty of the steamship company in making the examination at the port of embarkation and is limited to the diseases which are mentioned in the clause from which I have read.

Now, then, we come to the second proposition, which is that—

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

In that case a penalty of \$25 is imposed. This section defines the two classes of cases. The former section covers every kind of mental defect, and if that might have been discovered by a competent medical examination at the port of embarkation and yet the person is brought in here the steamship company is fined \$200.

Now, we come to the second proposition. The committee thought it best to strike out the word "mental" and make it apply to purely physical defects of a nature which might affect the ability to earn a living in order to make it certain, clear, and distinct, and so that there should be no misapprehension as to the nature of it. For that reason I favored the amendment.

I wish to say in this connection that there are no provisions in the bill that I feel are more important than those contained in this section, because, with the more than a million of immigrants who are coming to this country every year, the burden of the examination at all our ports becomes not only expensive but difficult. It has to be conducted with a certain degree of haste, particularly when we have from 3,000 to 4,000 to be examined

in a single day at Ellis Island. We have here a proposition that is better than having Government officers stationed at the ports abroad, because with this penalty of \$200 upon every steamship company that violates the provision and brings a person whose condition might have been discovered by competent medical examination, we have compelled them to establish a corps of medical officers at every port of embarkation in Europe. Not only that, but the effect of it has been that these examinations have left at those ports such large numbers that the German Government has been compelled, in order to protect itself from caring for such people, to establish along the border of Germany control stations, so called, at which persons coming from Russia or Austria or Italy or any other country to take German lines of steamers coming to the United States are compelled to pass an examination by surgeons who are paid for by the steamship companies. The result has been that in a single year we have excluded of the defective classes through those examinations 40,000 intended immigrants.

Now, with this explanation it will be seen why the committee struck out the word "mental." They laid a penalty of \$200 upon the steamship company bringing in any of that class, and here they are laying a penalty of \$25 for bringing in any person who has a physical defect, the nature of which might affect the ability of the alien to earn a living.

I do not consider this particularly important. It is a matter of definition, and one which we thought would make more clear the judgment and the duty of the medical officers who make the examinations abroad.

Mr. LANE. If it does make it more plain, I have no objection to it. It impressed me that it was a restriction. The very interesting lunatic of whom I spoke a few moments ago was an immigrant to this country. He passed the authorities at Ellis Island, and when he made his escape he passed the English authorities and went back home again to make more trouble. I think the provision ought to be made broad and general. If it covers the ground, well and good. It seems to me that we are using restrictive terms instead of broad and general terms which would cover the entire situation.

Mr. REED. Mr. President, I am very sure that I can convince the Senator from North Dakota [Mr. GRONNA] that these words ought to remain in the bill and that his process of reasoning is erroneous.

Every lawyer knows that the greatest danger in the preparation of any instrument in law is in undertaking to particularize, because when you have particularized you are likely to have omitted some of the very evils you desire to reach. Hence, it is always regarded as the part of wisdom to employ a general term which embraces all the particulars.

Holding that thought in mind a moment, this bill undertakes to particularize. It names idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, and chronic alcoholism. Unless an immigrant is afflicted with one of those specific ailments, he can not be excluded under the terms of the bill. If the bill had contained the general language "or other mental inferiority of such degree as to render him incapable of earning a living," you would then have covered the case as you intended to cover it.

I undertake to say that the terms employed, broad and sweeping as they may appear to be, do not cover all the cases the committee desires to reach and which I, at least, want to have covered. Idiocy is a well-defined term and is indicative of a degree of mental inferiority which renders its victim practically helpless. Feeble-mindedness also is indicative of a condition so low that a man can not be said to be feeble-minded until he is in a condition where he is almost incapable of even taking care of his ordinary physical wants. Epilepsy, of course, we understand, is a well-defined disease or manifestation of a disease, doctors differing upon that. Insanity I need not pause to speak of. As near as I understand the term "constitutional psychopathic inferiority," it covers an inherited taint.

With those terms before the immigration commission, and with nothing else before it, when the officer examines a subject he must find the ground for his exclusion in one of those specific ailments. I do not think he should be so circumscribed. I think that if he discovers a creature is so inferior mentally, from any or all causes or combinations of causes, that he can not earn a living, that individual ought not to be permitted to land upon this soil.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. I do.

Mr. GRONNA. If the Senator will continue reading on page 5, he will find this language:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective.

Mr. REED. Very well; that is the absolute prohibition. Now we come to a penalty section and you omit that language from that section which penalizes the steamship company if it does bring in that class of people. You add the language found in the section which in general terms is already in other sections, and you then seek to fix a penalty upon the steamship company bringing in these defectives. If you had included in this section the language which the Senator from North Dakota has just read, there would be no objection, but instead of including that you are actually striking it out or striking out its equivalent. So you are left in the position of having, in the section to which the Senator referred, excluded all who are mentally inferior; but when you come to penalizing the steamship company you limit the penalty to a violation by it not of the general sweeping clause, but of certain specific inhibitions. You are traveling in a direction exactly opposite to that from which you desire to go.

If the committee will incorporate after the words "chronic alcoholism," or in any other place in this section, the language which the Senator from North Dakota has just read, then I shall make no complaint; but it is not now found there.

Mr. GRONNA. Mr. President, I believe the Senator from Missouri is correct in that statement; I think that language should be added after the word "alcoholism," in line 8, page 18; but certainly it should not be included in line 23, because it is a limitation; it simply gives the authorities a certain discretion. It is certainly my opinion that we should exclude all of those who are mentally unsound; and I believe the Senator is right in saying that the words "mentally defective" should be added after the word "alcoholism," or in some other place.

Mr. REED. If the words to which the Senator has referred are there inserted, I have no further objection, because that leaves the broad, sweeping inhibition of mental defectives, and the penalty which it is the purpose of this section to add, complete.

Then the second provision, which relates only to physical defects, provides a mild penalty. If it is in order, I suggest that the Senator from North Dakota might at this time offer the language he has just read. I have it not before me and did not catch the phrase as the Senator read it.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I yield.

Mr. SMITH of South Carolina. If the Senator from North Dakota [Mr. GRONNA] will refresh his memory a bit, he will recall that this very phase of the question was discussed in committee. It was suggested that there might possibly be some mental defect that would escape observation either at the time of the foreign inspection or of the American inspection which the steamship company hereby proposed to be mulcted could not possibly detect, but which might manifest itself after the immigrant arrived. I hardly think it would be fair to incorporate a confusing and bungling provision under which a defect which it was practically impossible for those abroad to detect should be made the basis of a penalty when in all good faith the transportation company was attempting to comply with the provisions of the law.

Mr. REED. Mr. President, I hope the Senator from South Carolina will not characterize the phraseology which the committee itself has put into this bill, and which the Senator from North Dakota [Mr. GRONNA] is about to offer as an amendment, as bungling language. It was good enough for the committee to put into the bill at another place, and it ought to be sufficiently clear and lucid to adopt at this point.

So far, however, as the question of hardship to the steamship companies is concerned, I will say it is very much easier to discover a general condition of mental inferiority and stupidity and deficiency than it is to discover insanity, because insanity manifests itself in a thousand forms. Men walk the streets of every city of the United States and transact business who are afflicted with well-known forms of insanity.

It is also much easier to discover a condition of mental inferiority and stupidity, which is manifest all the time, than it is to discover epilepsy. There is no test known to the medical world that will enable any physician on earth to say whether a man is afflicted with epilepsy, particularly during its earlier stages, except the manifestation of a seizure itself. You can



not get at it by feeling the pulse or looking at the tongue or examining the eye or the blood of the patient. Indeed, it is disputed to-day among the most learned physicians whether epilepsy is not merely a symptom of some other disorder, and what that disorder may be has never been determined. About all the medical world knows is that at recurring intervals the patient is seized with what we commonly denominate a fit. So the reason given by the Senator from South Carolina that the steamship company might be overreached and misled and might err through inadvertence and mistake applies a thousand-fold more to the language which the committee has already adopted, and for the violation of the provisions of which the steamship company is to be heavily mulcted, than it does to the mere question of general stupidity and inferiority.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I yield.

Mr. POINDEXTER. As to the question which the Senator from Missouri is discussing, the injustice to the steamship company of penalizing them for bringing over a mentally defective person, which the Senator from South Carolina [Mr. SMITH] says they might not be able to discover, I should like to call attention to the fact that it is all covered by the language of section 9, beginning in line 10. This condition is attached to the provision:

And if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time—

That would apply to mental defectives if the amendment suggested by the Senator from Missouri and by the Senator from North Dakota were adopted.

Mr. REED. I think the Senator's observations are absolutely just, and I suggest that the Senator from North Dakota might well offer that amendment at this time. If it is adopted, I shall have no further objection.

Mr. GRONNA. I wish to say that we are considering the amendment on line 23, and while I should be very glad to vote for an amendment adding the words "mentally defective," after the word "alcoholism," I hardly think it would be in order at this time.

Mr. REED. It would be in order unless somebody should make a point of order against it.

Mr. GRONNA. I will be very glad to offer it, and I offer it now.

Mr. SMITH of South Carolina. Mr. President, I suggest that the amendment be passed over, and in the regular order of business, when the committee amendments have been disposed of, then any amendment will be in order.

The PRESIDING OFFICER. The Chair will state that the amendment proposed by the Senator from North Dakota, in line 8, would be an amendment to the committee amendment, and therefore would be in order.

Mr. GRONNA. The chairman of the committee has asked that the whole section go over, as I understand, with all amendments. That is perfectly satisfactory to me.

Mr. SMITH of South Carolina. I ask simply that the amendment now pending may be passed over.

Mr. REED. Mr. President, before it is passed over I wish to suggest to the Senator who is in charge of the bill that if the amendment suggested by the Senator from North Dakota is not hereafter adopted, then the section could be made very clear by adding, after the word "mental," in line 23, the words "defect other than those above specifically named," so that it would read:

It shall also be unlawful for any such person to bring to any port of the United States any alien affected with any mental defect other than those above specifically named or physical defect of a nature which may affect his ability to earn a living.

That would make the language clear, and I suggest it at this time for the consideration of the committee.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over for the present. The Secretary will state the next amendment.

The SECRETARY. In section 9, page 19, line 5, before the word "physical," it is proposed by the committee to strike out the words "mental or."

Mr. SMITH of South Carolina. I ask that that amendment may also be passed over.

The PRESIDING OFFICER. The amendment will be passed over, in the absence of objection.

The next amendment was, in section 9, page 20, line 3, after the word "fine," to strike out "and costs, such sum to be named by the Secretary of Labor," so as to read:

And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. REED. Mr. President, I should like to ask the chairman of the committee why those words should be stricken out?

Mr. SMITH of South Carolina. For the simple reason that no costs are involved in assessing an administrative fine.

Mr. REED. I am not sure but that the Government might be put to great expense. However, I do not desire to make a point as to the amendment.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

The next amendment was, in section 10, page 20, line 5, after the word "the," to strike out "mandatory and unqualified"; in line 7, after the word "lines," to strike out "other than those lines"; in line 10, after the words "alien to," to insert "or providing a means for an alien to come to"; in line 15, after the word "such," to insert "person"; in line 22, after the word "the," to insert "person"; and in line 23, before the word "penalty," to strike out "pecuniary," so as to read:

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines which may enter into a contract as provided in section 23 of this act, bringing an alien to or providing a means for an alien to come to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such person, owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$100 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, a penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

SEC. 11. That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers or passengers other than first and second cabin passengers between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or com-

manding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.

And in lieu thereof to insert:

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REED. Mr. President, I observe there is a very radical difference between the amendment proposed by the committee and section 11, for which it is a substitute. From the somewhat hasty examination I have been able to give these two sections, it seems to me they are worthy of very careful consideration by the Senate. Section 11 as passed by the House provided:

That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers or passengers other than first and second cabin passengers between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.

Mr. President, that provision is stricken out of the bill, and in lieu of it is inserted the mere right of detention of the immigrant when he arrives—a right which exists under the present law and has been exercised for many years.

I have the temerity to suggest to the Senate that this provision which has been stricken out is the best provision that was in this bill for the purpose of protecting the people of this country against the admission of aliens who ought not to be allowed to land. It gives an opportunity for real observation and real inspection. It gives the Secretary and the immigration inspectors the opportunity to place their agents immediately among these emigrants when they leave the other side, to keep them there during the entire voyage, to observe the condition of their health, their sanitary condition, their general fitness for citizenship, their disposition toward this country. A multitude of facts can be thus gathered which would be of the greatest service and value to our immigration inspectors in passing finally upon the right of an applicant for admission. Indeed, this is the first practical suggestion I have ever heard of being offered which goes to the very root of the discovery of the fitness or unfitness of an emigrant to land in this country.

Under the conditions as they exist a swarm of emigrants come down to a European dock, are hastily examined, bundled into the vessel, carried across the ocean, and here they are examined, so we have been informed this morning, at the rate of 40,000 a day. An inspection of that kind can not be a close inspection. An inspection of that kind can not determine, in the very nature of things, any question that does not lie immediately upon the surface.

The proposition of the committee, who have brought forward here a bill which they frankly confess is intended to limit immigration into this country, is to strike out of the bill the chiefest safeguard against the admission into the United States of improper characters, because their action takes away from our officials the opportunity for a genuine and thorough inspection.

There is another side of the matter which appeals to me even more strongly. We have been told for years that these poor human beings seeking harbor and refuge in our land are crowded as cattle might be crowded by a cruel owner into quarters that are filthy, foul, unhealthful; that they are mistreated; that they are half fed; and that altogether—and summing it all up in a few words—they are subjected to treatment which would not have been accorded to prisoners upon a felon ship in the sixteenth century. In protest against that kind of treatment this Government passed a law tending to an amelioration of these evil and distressing conditions. This bill as it came from the House provided the means by which this Government could ascertain whether or not these poor people were being granted the protection accorded to them by the letter of the law. It gave to our immigration authorities the right to place on board these vessels their agents, and to place on board these vessels not only ordinary immigration authorities, but men skilled in the knowledge of disease, of sanitation, and of all those questions which affect the health and welfare of the emigrant; and it gave to the medical officials the right to challenge the attention of the commander of the vessel to the conditions, to demand a compliance with the statutes, and inflict a proper punishment of a thousand dollars a day for each day that the laws were defied after notice had been given.

If you pass that sort of a law, there will be no longer any doubt as to the treatment accorded these poor human beings; but the committee strikes it out—the only provision I have seen in this bill that is of a humanitarian character; the only provision I have discovered in this bill that proposes to extend the protecting arm of the Government over poor, helpless human beings; the only provision that will compel obedience by steamship companies to the demands of our law.

Mr. President, I should like to have some good reason given to the Senate for striking out this wholesome provision found in the House bill.

Mr. SMITH of South Carolina. Mr. President, the very good reason is that we do not own the shipping of other countries and have no jurisdiction upon the high seas; and they have objected to this provision as being in contravention of international law. Among those who flatly refused to accede to the exercise of this authority I might mention Austria-Hungary, Denmark, France, Germany, Italy, the Netherlands, Norway, and Spain. They did not object to our having rigid inspection here, and imposing fines, and leaving it to them to determine whether or not they would conform to the requirements; but they did object to our putting quasi American officers aboard foreign ships to interfere with the discharge of official duties by those charged with their performance. We have gone over this section thoroughly, and these objections were transmitted to us through the State Department; and upon the solicitation of our administration, as well as in view of the manifest right of these countries to object to our putting our uniformed officers aboard their vessels, we had to make the best provision we could



to conform to the very humane and patriotic and tender-hearted sympathies of the Senator from Missouri by restricting as much as possible on this side.

Mr. REED. Mr. President, we are engaging in a somewhat absurd performance. We are solemnly discussing a question with 12 Senators in the Chamber. I raise the question of a quorum.

The PRESIDING OFFICER. The Senator from Missouri having raised the question of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Oliver	Smith, Md.
Bristow	Hardwick	Overman	Smith, S. C.
Bryan	Hitchcock	Owen	Smoot
Burton	Hollis	Page	Sterling
Camden	Hughes	Perkins	Sutherland
Catron	James	Pittman	Swanson
Chamberlain	Johnson	Poindexter	Thomas
Chilton	Jones	Ransdell	Thompson
Clapp	Kenyon	Reed	Thornton
Culberson	Kern	Robinson	Townsend
Commins	Lane	Saulsbury	Vardaman
Dillingham	Lea, Tenn.	Shafroth	Walsh
du Pont	Lodge	Sheppard	Warren
Fletcher	McCumber	Shields	Weeks
Gallinger	Martine, N. J.	Simmons	White
Gore	Nelson	Smith, Ga.	Williams

Mr. THORNTON. I wish to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. REED. Mr. President, the Senator in charge of the bill states that the reason why the provision of the House bill which provided for reserving the right to our immigrant authorities to place upon board vessels carrying immigrants inspectors who would accompany the immigrants and ascertain whether they were proper to be admitted into this country, and, further, to ascertain whether they were being humanely treated, had been stricken out was because "we," to quote his language, "do not own the vessels, and because foreign Governments have protested." In this summary way the chairman of the committee disposes of the interrogatory I propounded.

Mr. President, he pays but a poor compliment to the House of Representatives and to its committee when he takes the position that this bill is so absurdly contrived that section 11 was bottomed upon the idea that this Government owned the vessels carrying immigrants to this country. No such absurdity is involved in section 11 as passed by the House. This Government has the right beyond all question, if it sees fit so to do, to deny the right of any vessel to land any immigrant upon our shores; and if it has that right, it has the corresponding right to name the terms and conditions upon which that immigrant shall come. It can require him to be inspected in a foreign country, and yet that does not imply that we own the foreign country. It can require him to come bearing the certificate of an American surgeon granted to him, showing an examination in a foreign country, and prohibit him from landing unless he bears that certificate, and yet that does not imply that we are either the proprietors of the foreign country or that we have invaded its soil. It can require him to be examined aboard the vessel before the vessel enters a harbor of the United States, or it can provide, if that examination is not made, that the immigrant shall not land. It already inspects these individuals while they are aboard a vessel, and the inspection of that vessel in a harbor of the United States no more implies a proprietary interest in it and is no more bottomed upon the principle of ownership than is an inspection 3,000 miles away in the port of a foreign country.

All our rights of every kind and character are bottomed on our primary and sovereign rights to say that no man shall land here unless he comes under certain conditions. We could provide, if we wanted to do it, that he should come here with his head shaved. We could provide, if we wanted to do it, that he should come here wearing a certain character of clothing. We could provide, if we wanted to do it, that he should come here in a suit of clothes made by an American tailor. We can provide for an inspection in our own ports and we can provide for an inspection before the vessel reaches our ports, and while we can not force our officers on that vessel we can say to the owner of the vessel that it shall not touch an American wharf unless it comes here in compliance with the regulations we have laid down, and the vessel owner will then have the option either to comply with our regulations or not to carry immigrants to our shores.

There is no attempt in this bill either to take the command of the vessel away from the captain of the vessel. We have

already provided in our law that a vessel carrying immigrants shall provide certain accommodations for them. Is that an assertion of authority to run the vessel? Not at all. It is the assertion of our authority to say under what conditions people may land on our soil. All our rights are bottomed upon that right, which this Government undoubtedly has, and when we undertake to protect a poor creature coming across the ocean by providing that he shall not be landed unless he comes in a certain way it is utterly absurd to assert that we have thereby trenching upon the authority of the owner of a vessel or upon any right it may have upon the high seas. We simply name the condition upon which these vessels can land passengers in our ports.

Now, so far as the protests of foreign Governments are concerned, I am very little concerned in them, because I know that this Government has the right to name the conditions under which an immigrant shall come. If a foreign Government, probably instigated by a foreign shipowner who wants to make a profit out of human agony and to speculate upon the woes of humanity, has uttered a protest, that is no reason why we should open our doors for the reception of people who may be infected with disease. That is no reason why so wise a provision as is found here in section 11, which I shall read, should be stricken out. I call attention to this language:

Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board.

Mr. President, does anyone claim that we do not have the full right to say that no immigrant shall be landed upon our shores who comes from a port that is infected with cholera or with the bubonic plague or with any other disease that might spread over our country? If we have the authority to close that port entirely, surely we have the authority to say to any vessel owner who proposes to haul people from that port: "You shall not load them until an American officer has passed upon the question as to whether they are proper to receive and to dump in our country or not."

Suppose that in Mexico the cattle fever was destroying the cattle of that country, and suppose that they were shipping large numbers of them from the port of Vera Cruz to the port of New York, would anyone doubt for a moment that this Government would have the right to say no cattle should be landed from the port of Vera Cruz unless they had been inspected by an American officer in the port of Vera Cruz? It is true that the authorities at Vera Cruz could refuse to allow the officer to act in that port and we would have no redress, but it is also true that when that vessel lands in the port of New York we can say to the master of it: "You shall not unload a single head of cattle because you did not permit the inspection." To deny that is to deny the plain rule of common sense. If it was a question of cattle instead of men and women, if it was a question of veal calves instead of children in arms, I take it that the protests of these foreign Governments and shipowners would not be so readily heeded.

I insist, Mr. President, that the only real inspection there can be, the only inspection that does determine the question of disease or insanity or imbecility, the only inspection that can rightfully determine the habits and conditions of the people, the only inspection that can compel the furnishing of proper accommodations in accordance with the terms of our statute, is that kind of inspection which begins at the foreign port and continues every hour of the day and night until the immigrant is landed upon our shores. The provision in the House bill was a wise, a humane, and a legal provision, and the striking of it from the bill is the emasculation of the measure.

Mr. President, if no one else desires to discuss this matter, I shall ask for a ye-and-nay vote.

Mr. SMITH of South Carolina. Mr. President, attention was called in the remarks of the Senator from Missouri to the fact that this provision had been incorporated by the House and it was stricken out by the Senate committee. It is very well for me to say in this connection that the foreign Governments could have no knowledge of what was proposed to be the legislation until such time as it was reported as a bill. This, from the Secretary of Labor, is explanatory of that situation:

In connection with this amendment attention is directed to a letter (H. R. Doc. No. 703) written the committee of the House by the Secretary of Labor, but apparently received too late to be considered before the bill was reported to the House, and also to a letter written this committee by the Secretary (S. Doc. No. 451, p. 16). On carefully considering this matter the committee concluded that most of the objects contemplated by the section as originally drafted can be accomplished more conveniently under the section proposed as a substitute.

The position taken by the Senator from Missouri and the argument he has used is exactly the argument that governed

the committee, that as we had no power to enforce our regulations aboard ship on the high seas, and that being objected to, our only recourse—as we did not wish to totally prohibit the importation of aliens—was to simply exercise what right and power we have within the territorial waters. We are treating these human beings on the same basis, as far as disease is concerned, to protect from maladies, as that on which we treat cattle.

**THE PRESIDING OFFICER.** The question is on the amendment proposed by the committee.

**MR. REED.** On that I call for the yeas and nays.

The yeas and nays were ordered.

**MR. GALLINGER.** Let the amendment be stated.

**THE PRESIDING OFFICER.** The Secretary will read the pending amendment.

**THE SECRETARY.** It is proposed to strike out section 11 in the House print and to insert—

**MR. SMITH of South Carolina.** If the Senator from New Hampshire will allow me, the committee proposes to strike out section 11, which the House incorporated in the bill, providing that matrons, inspectors, and surgeons shall be placed upon foreign vessels at the port of embarkation to inspect and to exercise quasi official power in regard to the sanitation and inspection of immigrants. I think the Senator was absent at the time when I read the list of the countries who protested against this procedure, in that it was interfering with the exercise of their rights on the high seas. In view of the protests that came to us from those Governments, sent through the proper department of our Government, the committee thought it was best to strike out the section and insert a substitute, as we have no power to enforce the section as passed by the House, as we could do nothing except to prohibit immigration or to fine the vessel, which would lead to international complications. There are letters here from the State Department, and they were placed before the committee, that the House committee, before it incorporated this language, had no way of obtaining, because those Governments were not advised of what was proposed in the legislation until such time as the bill was reported to the House.

Therefore our committee, wishing to put into force the provision, the object being to reach these undesirable and diseased individuals, just rewrote section 11 under the advice of the Immigration Bureau of the Department of Labor, together with the advice of our Department of State. We rewrote the section so as to accomplish really what we intended by placing proper restrictions at the port of entry within our territorial waters, where we have jurisdiction over the subject matter.

**MR. REED.** May I ask the Senator a question?

**THE PRESIDING OFFICER.** The Senator from New Hampshire has the floor.

**MR. GALLINGER.** I presume I correctly understood the Senator from South Carolina to say that, in the judgment of the committee, we have no constitutional right to place those inspectors or matrons, or whatever they may be, on board foreign vessels.

**MR. SMITH of South Carolina.** No; I do not say so. We have a right to demand it, but a foreign Government has the right to refuse it, and some of them have refused to allow our uniformed officers aboard their vessels.

**MR. GALLINGER.** Possibly I am not well informed, because I have not taken any special interest in this debate, but as I understand the law we have officers of our Government at the ports of departure. Have we not?

**MR. SMITH of South Carolina.** I have before me the facts pertaining to that. We have it by the consent of foreign Governments. When any of them would consent, such action could be taken. I will read to the Senator a list of those that have protested.

**MR. GALLINGER.** No; it is sufficient that the Senator should state the fact that protests have been made. I have been wondering why, if they protest against placing these people on the ships to ascertain the important facts concerning immigrants, they do not object to our officials being at the port of departure where they give them an examination that I suppose rejects a greater or less number.

**MR. SMITH of South Carolina.** It must be perfectly apparent to the Senator from New Hampshire, as it is apparent to me, that there is quite a distinction between allowing an officer of this Government to inspect the proposed immigrant in a country from which he is to embark and putting officers on board a ship bringing them here. I am not advised as to why some Governments should allow the one and reject the other, but I know, as the Senator knows, that they have that right. In the one case they had to give their consent to put our inspection officers at their ports, and wherever they agreed to it it was all well and good. If they had refused, we would have

had no power to enforce it. They refused in this case, and our only recourse was to write such a modification of the section as would reach the object sought to be attained.

**MR. GALLINGER.** There is a difference, and yet it seems to me that, so far as foreign Governments are concerned, we are trenching more upon their rights, if they have such rights, to station our officers at the port of departure than on board ship. However that may be, the Senator knows much more about it than I do. My solicitude is that we should surround these incoming emigrants with all the safeguards we possibly can, so as to exclude the undesirable to as great an extent as possible. I have not examined the matter carefully. I hope that the committee, in its wisdom, taking counsel, of course, with the officials of the Government, has surrounded this bill with as many safeguards as the laws and the Constitution and our relations with other Governments enabled them to accomplish.

**MR. SMITH of South Carolina.** I should like to reiterate what I said at the beginning of the discussion of this bill, that the committee having in charge the bill, as well as the committee in the House, I believe, all agree that we have used every means that we knew how to employ to protect the individual as to his comfort and to protect the citizens of the United States from being jeopardized by bringing in contagious diseases and otherwise. To that end the House wrote this section, and when we found that it was impracticable or impolitic and not in accord with the wishes of all the nations with whom we are friendly, we rewrote it, and we rewrote it in such a way as to exercise the fullest authority that we might have within the territorial waters of the United States.

**MR. GALLINGER.** I will ask the Senator if these protests were lodged with the other body during the consideration of the bill there?

**MR. SMITH of South Carolina.** As I said a moment ago, I am advised that they were not. It was after the bill had assumed its form in the House that the protests were made.

**MR. BORAH.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from South Carolina yield to the Senator from Idaho?

**MR. SMITH of South Carolina.** I do.

**MR. BORAH.** Without asking for a reading of the protests, I should like to know in a brief way what were the grounds of the protests. What was the ground of objection to having respectable American citizens on board a foreign vessel?

**MR. SMITH of South Carolina.** I will read to the Senator an extract here which covers that point. I will state that this is from a letter transmitted by the proper official to the committee:

These countries have represented that the placing of inspectors, matrons, and surgeons by the Government of the United States on foreign vessels on the high seas would, first, be contrary to international law, in that it would violate the exclusive jurisdiction which a government exercises over its vessels on the high seas; second, be incompatible with the authority of the master of the ship.

If the Senator will read section 11, he will see that the master of a vessel is required under the House provision to admit the authorities to exercise certain authority on board ship by our surgeons, inspectors, and matrons.

**MR. BORAH.** May I ask the Secretary to read the bill as it will be if we should adopt the proposed amendment of the committee?

**THE PRESIDING OFFICER.** The Secretary will read the proposed amendment.

**MR. SMITH of South Carolina.** Let me ask the Senator if it would not be well, although it would take some time, to read the House provision and then read the Senate amendment, so as to show just what the difference is between the two provisions.

**MR. BORAH.** I am particularly anxious to know what it would be if we should make it as the Senator desires.

**MR. SMITH of South Carolina.** Very good.

**MR. BORAH.** That is, as the Senate will be likely to make it.

**MR. SMITH of South Carolina.** That would save some time.

**THE PRESIDING OFFICER.** The section as proposed by the committee will be read.

The Secretary read as follows:

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to



the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto.

Mr. WALSH. Mr. President, this amendment as I view it presents very much more than the mere question of the admissibility as a matter of policy of the adoption of the House provision or the substitute offered by the committee. It presents the question as to whether this Government has the right to lay down the conditions upon which a ship plying to one of our ports may bring immigrants to this country from abroad. The House apparently proceeded upon the assumption that there could be no question at all about the right of the Government of the United States to prescribe every detail of the conditions under which a ship might be entitled to enter our ports bringing immigrants to this country.

I understand that the wisdom of the House provision apparently was not questioned nor controverted by the Senate committee; if the power existed the propriety of the House provision seems to have been conceded, but the Senate committee apparently receded from that position upon a suggestion that it was impossible for us to put officers of this Government aboard foreign ships.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Montana permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH. I do.

Mr. SMITH of South Carolina. I do not think the Senator from Montana was present when I gave my explanation of this matter. The reason the Senate committee reported to strike out the House provision was because of foreign Governments refusing to accede to the proposition. I stated fully the reasons, as set forth in communications to the committee, and read them to the Senate. The protests, as I am advised, did not come from foreign Governments until after the bill had been received from the other House and had been reported to the Senate. Then the Secretary of Labor sent a document to the committee, to which the committee referred in its report as follows:

In connection with this amendment attention is directed to a letter (H. R. Doc. No. 703) written the committee of the House by the Secretary of Labor, but apparently received too late to be considered before the bill was reported to the House.

Then when the bill came over to the Senate the proper department, the Department of State, transmitted to us through the proper channel the protests of foreign Governments. We felt that we had the power to forbid the entry of vessels that did not conform to our requirements, but did not wish to debar all immigration or to attempt to force on foreign vessels the presence of uniformed officers, as contemplated by the House provision, who were to exercise certain authority on board ship. By the advice of the administrative branch of the Government having this matter in charge, the Senate committee rewrote the section, having before it certain advices and protests which the House committee apparently did not have; and the section as rewritten was incorporated in the bill. We thought it would accomplish the same result and avoid any friction with foreign Governments.

Mr. WALSH. I understood the Senator from South Carolina substantially in the same way in his earlier statement concerning these matters. The point I desired to make was that apparently some foreign Government has protested against our prescribing just such conditions as we care to prescribe to permit immigrants to enter our ports. It may well be conceded that we can not introduce upon foreign vessels plying to ports other than our own any of our officers. As a matter of course, such vessels would have a perfect right to exclude them. We could not overhaul their ships upon the high seas nor as they were departing from a foreign port and install our officers aboard them. That is not the question at all. Here is a ship that is about to enter an American port bringing immigrants to our country. We may say to her, "You can not come into our ports at all unless you conform to the conditions we prescribe; you shall not be permitted to land any immigrants upon our shores unless you conform to certain requirements." It is not, as it seems to me, quite sufficient, Mr. President, simply to say that some foreign Governments have protested against this provision in the form in which it came to the Senate unless the protest is accompanied by some reasons which address themselves to us as just and equitable.

I can not for the life of me see why foreign Governments should object to the House provision and at the same time feel satisfied with the other provision, except that thus some of the classes of immigrants that it is desired to exclude might be permitted to enter; and I should hardly think—

Mr. SMITH of South Carolina. Was the Senator present when I read the grounds upon which the foreign Governments based their objection? Was he present when I read to the Senate the statement transmitted to our committee?

Mr. WALSH. No; I heard no statement concerning the basis of their protest.

Mr. SMITH of South Carolina. Here is the basis as given to the committee:

In this relation it is proper to refer to the remonstrances against section 11 which have been presented by the Governments of Austria-Hungary, Denmark, France, Germany, Italy, the Netherlands, Norway, and Spain, and which have been transmitted to your committee. In some instances the remonstrances have been repeated.

These countries have represented that the placing of inspectors, matrons, and surgeons by the Government of the United States on foreign vessels on the high seas would (1) be contrary to international law, in that it would violate the exclusive jurisdiction which a Government exercises over its vessels on the high seas.

Mr. WALSH. I do not admit the force of that contention at all.

Mr. SMITH of South Carolina. The statement continues—that it would "be incompatible with the authority of the master of the ship."

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I think it would be very well for me to read the next clause, which sets forth the reasons as stated by the Government of the country from which we receive a greater number of immigrants than from any one nationality:

In the case of Italy it has been pointed out that the Italian Government provides an efficient system of inspection of Italians of the immigrant class departing from or returning to Italy, and that the Italian Government does not permit foreign ships to carry Italian emigrants from Italian ports without having on board Italian commissioners who are physicians in the Royal Navy. This practice may be said to have, aside from any legal view, a certain justification, in that it is desirable for immigrants of a particular race or nationality to be served by physicians or others of their own race or nationality who speak their language and understand their habits and ways of life. It is proper to add that in the case of Italian ships the placing on board of American inspectors, matrons, and surgeons might easily create a conflict of authority, since the Italian Government itself provides for inspection.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. Mr. President, I do not disagree at all with the view which the Senator from Montana [Mr. WALSH] has expressed as to the authority of this Government, but I do not understand—at least it is not necessary to have that understanding in order to support the Senate committee amendment—that the Senate yielded because of the want of authority. It was rather in the hope of adjusting the situation so that there might not be any embarrassment between the powers or any difficulty in executing the law or anything which might give rise to friction. That was the view I supposed the committee took of it. Certainly those of us who are disposed to favor the committee amendment would not want to concede here that it is an acknowledgment of the want of power to do what we are undertaking to do; but if we can accomplish the same thing in a way which will not be calculated to cause ill feeling on the part of other nations, I do not see any reason why we should not do it.

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I wish to say that I am sorry I appear to have been so unfortunate in expressing what was uppermost in my mind. It was not a question of our power to say, "You shall do this or we will not allow you to enter our ports." The committee did not question our power to enact the legislation proposed or that we had the right to enact it. It was a question of our relations with foreign Governments. If we can find a means of accomplishing the same ends without embarrassing ourselves or creating unpleasantness, we thought that the better and proper way to do, and we have so done.

Mr. REED. Mr. President, the Senator from South Carolina now expresses his position, I think, quite differently from the way he expressed it when I asked him the question, in reply to which the Senator said the reason for this legislation was, first, that we did not own these vessels, and, second, that we had no right to enact the House provision, because foreign Governments had protested. As I now understand the Senator—the RECORD will show what took place, and I do not care anything about the

form of statement—he takes the position at least that we are accomplishing the same end without giving offense. That is the very question in dispute. The Senate committee amendment does not give to the immigration officials a single substantial right which they do not possess under the present law. This bill is substantially a reenactment of the present law. It was because the present law has been found ineffective, because it has been discovered that the inspections in our own ports do not bring the desired result, that it was sought to place aboard these vessels agents who would have an opportunity of observation during the voyage.

It was further deemed advisable to so place the immigration agents in order that there might be an observation as to whether or not the vessel was equipped in accordance with the laws of the United States and the passengers accorded that treatment which we all sought to guarantee them by the laws of the United States.

Now, the Senator states that we are accomplishing the same end without giving offense. Manifestly an inspection in a port of the United States, made with the haste that such inspections must be made when there are as many as 40,000 immigrants landing in a day, can not be the equivalent of an inspection aboard ship during an entire voyage; neither can it take the place of the inspection at a port of entry by an officer of the United States, as provided by the House bill.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I want to ask the Senator from Missouri if it is a fact that the present law has been found inefficient and unsatisfactory with reference to these inspections? I have the impression that that was not the defect of the present law. I should be glad to be enlightened if the Senator has information to that effect, I have no definite information on the subject; but I had the impression that the inspection was sufficient and efficient under the present law, and that, although this is practically the reenactment of a present law, the present law in that respect has not been found inefficient. I could imagine, however, that a man traveling with another man for 30 days would know more about him than he would if he merely saw him come into port in a hurry. Whether I shall support the Senate amendment depends upon whether I conclude it is efficient, but not upon the question of lack of power.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. I do.

Mr. DILLINGHAM. I think that the evidence taken before the Immigration Commission, and which is contained in one of the volumes of their report, very clearly indicates that the steerage conditions on certain lines of steamboats were very bad, indeed. There is what we call the "old steerage" and the "new steerage." On the modern vessels the arrangements are very good and the discipline is good also; but there were certain other lines upon which the agents of the commission went as immigrants—they were not known as being connected with the commission, but went as immigrants, dressed as immigrants—and their report made to the commission indicated that the steerage conditions were simply horrible, in very many instances, particularly in relation to sanitation, the treatment of women immigrants by the crews on the vessels, the familiarities that were indulged in, the lack of protection that was given, and things of that character. The recommendation of the commission was that matrons should be provided who would have some knowledge of and be able to report conditions such as I have indicated, with a view to the Government taking action to have them reformed.

The original draft of the bill as it was introduced provided for matrons, who should live in the steerage and who should have no power to interfere with the discipline of the vessels in any way, but might report to the commanding officers of vessels things they did not know in relation to conditions on board, and especially report when they landed as to any information which they might have received.

Then there was another provision that where the Secretary saw fit he might assign medical officers. I think the original draft gave them no power to interfere with the discipline of the vessel, but gave them power to observe and to report, and so forth.

Mr. BORAH. I take it from the Senator's suggestion that he rather favors the House provision?

Mr. DILLINGHAM. I had a good deal to do with drafting it, and I thought that it was within reason.

Mr. BORAH. I have no doubt about our right to exercise this power. The only question that arose in my mind was whether we could accomplish the same thing in another way which would be satisfactory. If we can not, if after the thorough investigation which I know the Senator has given to the subject he feels that the other is a proper way to do it, I would have no doubt about our authority.

Mr. DILLINGHAM. I am perfectly satisfied with this amendment as a beginning. I think that probably we can accomplish practically the same result under the amendment that we could under the original draft, but I think the time may come, unless conditions are improved on certain lines of steamships, when we may be compelled to adopt more drastic legislation.

Mr. REED. Mr. President, I wish to ask the Senator from Vermont what right there is reserved in the amendment proposed by the Senate committee which is not in the present law?

Mr. DILLINGHAM. I do not know that there is any right; but the purpose of this amendment, as I understand it, is to bring to light violations of existing law.

Mr. REED. But there is no clause of that kind that is not in the present law.

Let us understand this matter. Under the present law when a vessel arrives in an American port the immigration officers board it; they are authorized to make an inspection; they determine who may land and who may not land; they can send a portion or all of the immigrants into quarantine; they can detain the vessel in quarantine; all of those things can be done. Now, the provision that is brought in here by the Senate committee does not go, as far as I have been able to observe, one hair's breadth beyond the present law; so that the question that is now presented to the Senate is whether we shall retain the present law or whether we shall enact the House provision, which goes much further than the present law.

If I may have the indulgence of the Senate for a moment, I think that one or two matters could be cleared up. First, the Senator in charge of the bill tells us that we have no right to take charge of a foreign vessel. Granted. We can not put our officers aboard a foreign vessel and take charge of it until it arrives in our ports; but is there any attempt to do that in this bill? You can read section 11, as it passed the House, with a microscope and you will not find where it undertakes to confer the slightest authority upon any American official in any way, shape, manner, or form to interfere with the officers of the vessel until that vessel has arrived in one of our ports. So that we might as well wipe that out.

The Senator speaks of putting uniformed officers aboard vessels. The nurses are not compelled to wear uniforms; the inspectors are not compelled to wear uniforms. It is provided that if a surgeon be detailed he shall wear a uniform, but the kind of clothes he wears makes no difference. He is given no authority under this bill except that it is made his duty to call the attention of the captain of the vessel to any condition which he thinks is wrong. Therefore there is no attempt to assume authority, and let us get that out of our heads. The bill was carefully drawn.

As to the question whether anything is to be gained by the more thorough inspection made possible by keeping aboard a vessel as it crosses the ocean those who are there to observe, the Senator from Vermont has already asserted that that has been done, although without authority of law, by putting agents among the steerage passengers. Those agents discovered unspeakable conditions—that the women were subjected to improper treatment by the members of the crew, and, without going into detail, other horrible conditions. This bill proposed to provide a means whereby that kind of inspection could be carried on. It is stricken out and, in substance and effect, nothing substituted for the present law.

The House report has this to say:

Another change of the old law provided for by this bill is that which permits the Secretary of Labor, when he deems it necessary, to detail immigrant inspectors and matrons for duty on vessels carrying immigrants or immigrant passengers to or from the United States. This is not made imperative but is left to the option of the Secretary of Labor. We think this is in the interest of better and more humane treatment of the immigrants or immigrant passengers.

That is the only reference I find, in a somewhat hasty examination of the report, to this matter. But, Mr. President, that is a humane purpose, and it is a purpose that we have the right to carry out, because it is now conceded that we can say to a vessel, "You shall not enter here and unload aliens unless you come in conformity with the regulations which we have prescribed"; and having the power, why should it not be exercised for the protection of humanity?

In regard to the right of inspection we are told that some foreign Governments have protested. Well, Mr. President, foreign Governments are in the habit of protesting against nearly



everything. They have been protesting against our present immigration laws. One foreign Government has insisted that its citizens can come here and, in defiance of the laws of a sovereign State, can own property. They have made protests of various kinds. Here is a reference to the particular subject in the House report, which I want to read:

It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments—

Why, Mr. President, they are opposed to the very things we are now doing. Why do we not supinely yield and permit them to continue to send the halt, the lame, the blind, the insane, the diseased, and the crippled to our shores? They are already protesting, and why should they not protest, if we propose to place an obstacle in the way of the landing of undesirables upon our shores? I read:

And it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however—

Now the shoe is on the other foot—

the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance.

Thus it appears that foreign Governments maintain upon certain vessels their own officers, who exercise exactly the same kind of surveillance and jurisdiction over people traveling from this country to Europe which the House bill proposed that our officials should exercise over people coming from Europe to this country, and at the same moment foreign countries are found protesting against the exercise of that right by the United States they are exercising it against the United States, and the committee yields under these circumstances. I read on, going back for a moment to give the context:

In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves.

On page 22 of the same report is the following:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country—to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year—it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration"—of Germans, Irish, and Scandinavians—would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

Mr. President, how absurd it is to stand here in the Senate and say that the United States can not adopt, with reference to people coming to this country, the same character of inspection that is adopted by foreign countries with reference to their own subjects returning from this country and that we infringe upon the authority and sovereignty of foreign nations by doing toward their subjects exactly the same thing that they themselves do in the ports of this country. How ridiculous is the assertion!

Moreover, I challenge the attention of the chairman of the committee and the Senate to the fact that if he be correct in saying that an inspection of these people aboard a vessel is an infringement upon the rights of the vessel owner or upon the authority of the foreign government, then this entire bill will fall upon the same process of reasoning, for it is proposed here in the bill to fine a vessel landing in this country for an act committed in the port of its own country, clear across the ocean. That fine can be levied, but it can be levied because our jurisdiction attaches over the vessel when it undertakes to land the individual in our country, but the same legal right covers the case of an inspection aboard the vessel. We have the right to say to all ship owners, "You can not enter our ports and land a passenger who was not loaded and transported and inspected as we see fit to determine."

I think the House provision is a wise one. I think these protests amount to nothing. I think it is due the sovereignty and majesty of the United States to assert now, once and for all, that we propose to name the conditions under which people shall land upon our shores. I appeal, in the name of humanity, for that miserable class who, compelled to take passage in steerage, are subjected to every kind of insult, every sort of infamy, every character of abuse, and all the hardships that human beings may be subjected to by the cruel and the avaricious. Why not give them the protection of an accompanying matron who may report this treatment? Why not give to our people the protection of an inspection in the ports of foreign countries to determine whether disease is being imported into our land to devastate its population?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. REED. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

Mr. SMITH of South Carolina. Mr. President, there seems to be some misapprehension as to the nature of the proposed amendment. As I understand, the question is directly on the Senate amendment; that is, Shall the Senate amendment be adopted?

The PRESIDING OFFICER. That is correct; that is the question.

Mr. SMITH of South Carolina. Therefore an affirmative vote is to retain the Senate amendment and a negative vote is to reject it?

The PRESIDING OFFICER. That is correct.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. GRONNA (when his name was called). I have a pair with the senior Senator from Maine [Mr. JOHNSON]. I therefore withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I wish to state that my colleague [Mr. BRYAN] is absent on business of the Senate.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Being advised that he would be indifferent in this matter, I desire to vote. I vote "nay."

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. STONE (after having voted in the negative). I desire to withdraw my vote, as I have a pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. MYERS. I inquire whether the junior Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I transfer my pair with that Senator to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "nay."

Mr. CHILTON. I transfer my pair formerly announced to the senior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE. I am informed that the senior Senator from Indiana [Mr. SHIVELY], who is temporarily absent, would vote as I voted in the first instance on this roll call. I therefore transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the senior Senator from Indiana [Mr. SHIVELY] and will vote "nay."

Mr. GRONNA. Has the senior Senator from Maine [Mr. JOHNSON] voted?

The PRESIDING OFFICER. He has not voted.

Mr. GRONNA. I have a general pair with that Senator, and I therefore withhold my vote.

Mr. LODGE (after having voted in the affirmative). I neglected to announce that I have a general pair with the senior Senator from Georgia [Mr. SMITH]; but as he would vote as I do on this question, I shall allow my vote to stand.

The result was announced—yeas 33, nays 25, as follows:

## YEAS—33.

Camden	Kern	Perkins	Sterling
Chamberlain	Lea, Tenn.	Pomerene	Thomas
Chilton	Lippitt	Robinson	Thompson
Culberson	Lodge	Root	Weeks
Dillingham	Oliver	Shafroth	White
Fletcher	Overman	Sheppard	Williams
Gore	Owen	Sherman	
Hughes	Page	Smith, Ariz.	
James	Penrose	Smith, S. C.	

## NAYS—25.

Ashurst	du Pont	Norris	Vardaman
Borah	Gallinger	Polindexter	Walsh
Eristow	Jones	Ransdell	Warren
Catron	Kenyon	Reed	Works
Clapp	Lane	Smoot	
Crawford	Martine, N. J.	Stone	
Cummins	Myers	Townsend	

## NOT VOTING—38.

Bankhead	Goff	McLean	Smith, Ga.
Brady	Gronna	Martin, Va.	Smith, Md.
Brandeggee	Hardwick	Nelson	Smith, Mich.
Bryan	Hitchcock	Newlands	Stephenson
Burleigh	Hollis	O'Gorman	Sutherland
Burton	Johnson	Pittman	Swanson
Clark, Wyo.	La Follette	Saulsbury	Thornton
Clarke, Ark.	Lee, Md.	Shields	Tillman
Colt	Lewis	Shively	
Fall	McCumber	Simmons	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Immigration was, on page 29, line 21, after the word "and," to strike out "oral" and insert "mental," so as to read:

Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens.

The amendment was agreed to.

The next amendment was, in section 15, page 32, line 21, after the word "hereof," to strike out the word "to" and insert the word "shall," so as to read:

Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section 18 of this act.

The amendment was agreed to.

The next amendment was, in section 16, page 33, line 13, after the words "Secretary of Labor," to insert "All aliens arriving at ports of the United States shall be examined by two such medical officers."

The amendment was agreed to.

The next amendment was, on page 33, line 18, before the words "ports of entry," to strike out "large," so as to read:

Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry.

The amendment was agreed to.

The next amendment was, on page 33, line 18, after the words "ports of entry," to insert "designated by the Secretary of Labor," so as to read:

Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor.

The amendment was agreed to.

The next amendment was, on page 34, at the end of line 5, after the words "special inquiry," to insert "All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors."

The amendment was agreed to.

The next amendment was, on page 39, line 20, after the word "vessel," to insert the words "so proceeded against," so as to read:

And no vessel so proceeded against shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "unless," to strike out "with the express permission of the Secretary of Labor," and insert "the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhuman or cause unusual hardship or suffering," so as to read:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous

contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering.

Mr. REED. Mr. President, in view of the fact that so many Members of the Senate are absent, and that the habit is to come in and ask how the committee is voting, and vote with the committee—which I unhesitatingly say was the determining factor in the last vote—I hesitate to call attention to this particular provision with so few Members present. Nevertheless, I dislike to call for a quorum.

I wish to read from line 23 of page 40:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering.

It will be noted that a consumptive would not be permitted to land under any circumstances or conditions whatsoever unless two things concur: First, the disease must have been in such a state at the time of embarkation that it could not have been detected by a competent medical examination, and, second, that to refuse treatment would be inhumane. It is not enough that the refusal would be inhumane; it is not enough that the refusal would kill the patient; but the patient absolutely can not be landed, even by the authority of the Secretary, in the event that some foreign surgeon blundered or some ship surgeon blundered when the patient undertook passage.

To put it by illustration, a man not even knowing that he is afflicted with tuberculosis comes to a port and is examined by the ship's physicians. They are careless or incompetent. He takes passage. When he arrives here a surgeon finds that he has tuberculosis. The surgeon finds that he will die unless taken off the vessel; but he also finds that the disease is in such condition that by a proper inspection it could have been discovered before the patient took passage. Thereupon this poor creature, who is without fault, and simply because there has been a blunder by one or the other of these physicians, is to be condemned to death, or to the horrible torture incident to being confined aboard a vessel, and he can not be taken off for treatment even in quarantine.

That provision is absolutely barbarous. Surely the committee do not mean it. I should like to know whether they do or not.

Mr. LODGE. Mr. President, the existing law of the United States provides:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States unless with the express permission of the Secretary of Labor.

That is the present law. It has been the law for many years. That is as it is in the bill, unchanged. It was put there by previous Congresses because they believed that their first duty was to protect the people of the United States against the spread of the awful scourge of tuberculosis and against loathsome and contagious diseases other than those of a quarantinable nature for which the quarantine laws provide.

Hitherto the only exception has been the express permission of the Secretary of Labor, or the Secretary of Commerce and Labor, as it was under the law when it was passed. The department wrote to the Senate committee as follows:

Page 37, lines 20 to 26: After the words "United States," in line 25, eliminate the words "unless with the express permission of the Secretary of Labor" and insert in lieu thereof "unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering."

Then the department says:

As the provision is now worded it merely encourages the violation of section 9 by aliens and steamship companies and causes undue congestion in the hospitals at immigrant stations. The discretion to allow hospital treatment in this class of cases should be restricted as closely as possible.

In other words, the object of this amendment was not to make the law less humane but more humane. It was to prevent the inhumanity of transportation companies in bringing to this country persons afflicted with tuberculosis or with loathsome and contagious diseases and imposing them upon our hospitals, forcing us to take care of them, and bringing those diseases into the country. The inhumanity begins with the people who take them on board. But all these things can be detected by a proper medical examination.



The department desiring to make the law as humane as possible suggested this amendment of the House language to the committee as an amendment of the existing law. The existing law is far more stringent than is proposed. This gives the Secretary the discretion to relieve in cases where humanity requires it, and that is what is asked for by the department.

Mr. REED. Will the Senator yield for a question?

Mr. LODGE. Certainly.

Mr. REED. Under the present law does not the Secretary of Labor have the authority in all cases to permit hospital treatment?

Mr. LODGE. Under his express permission. The case has to be laid before him, of course.

Mr. REED. Under the law as proposed could the Secretary permit hospital treatment if the examining surgeon in Europe had made a mistake and passed one who should not have been passed?

Mr. LODGE. Undoubtedly he could under the present law.

Mr. REED. Under this language?

Mr. LODGE. Under the existing language.

Mr. REED. But I am talking about the new language.

Mr. LODGE. He could not, and that is exactly what the Secretary wants to stop.

Mr. REED. Therefore the Senator states that whereas the present law does permit the Secretary of Labor to allow hospital treatment in the interests of humanity in all cases, a law which proposes to deny him the right to permit it if a surgeon happened to make a mistake over in Europe is the more humane law.

Mr. LODGE. As a matter of fact, it is the purpose of the amendment to give the Secretary that power. He himself asks for it. It is not the suggestion of the committee; it is the request of the Secretary, because in the opinion of the department it does not result as it is now in competent examination on the other side. It results in bringing here many cases where the Secretary is forced to decline permission to send them back.

Mr. REED. Mr. President, if this is humanity and is the humanitarian doctrine which would characterize this bill, then may the good and kindly God save me from that kind of humanity! Let us see. The present law is to this effect: There shall be an inspection at European ports, but if a physician there makes a mistake and an immigrant is brought here and surgeons discover it and if treatment in a hospital is necessary, the Secretary of Labor may in the interests of humanity permit hospital treatment. But this amendment says that if there was a mistake made by that surgeon the Secretary of Labor can not permit hospital treatment even though it condemns the poor victim to his death. And you call that humanity!

Man's inhumanity to man  
Makes countless thousands mourn—

was evidently a prophetic glimpse of this particular phase of our present legislation.

I say that the proposition is horrible. Take a concrete example: An immigrant who may think he is afflicted with a bad cold and may not know there is anything the matter with him comes down to take passage at a European port. The ship has provided physicians. They examine and pass him. In a 20 or 30 days' passage, or a 10 days' passage, the disease rapidly develops. He lands in New York. A surgeon there discovers he has tuberculosis, and he further finds that the physician in Europe might have discovered it. This physician also reports that unless the man is given treatment he will die. That fact is laid before the Secretary of Labor and the Secretary of Labor says, "Congress passed a law which does not permit me to send that poor creature to a hospital for a single day. You may stay there and die while that vessel lies in dock waiting for a load." And we call that humanity! Tears of sympathy must have rolled down the cheeks of the committee as they wrote that humane provision into this bill.

Moreover, it is not necessary that there should have been a mistake by the physician in Europe. Everybody who knows anything about the medical profession knows that doctors disagree, and they disagree honestly. How is a physician upon this side to determine accurately whether the conditions were such 30 days before, when that immigrant was examined, that the physician should have discovered that fact? The physician here may be mistaken in his diagnosis. The physician there may have been correct in his diagnosis; but if the physician here finds that the disease might have been detected over there there is no power to be left on earth to rescue that poor, suffering, inoffensive creature who came here in the best of faith, who conformed to every regulation of law, who submitted to an examination. There is no means on earth provided whereby he can have the ministering care of a physician or the humane surroundings of a hospital.

It will be a matter, I doubt not, of grave regret by the Members of this Senate if this bill is passed as proposed and some one of their constituents who may have a wife and child coming to this country appeals to them and says, "My wife and my child are detained aboard the vessel. For God's sake get them off where they can have proper treatment for a few days, so that I may put them in a shape to save their lives. I will send them back if necessary. I do not want to infect this country with disease. I do not want to imperil anybody's life; but do not murder my wife or my child." You go down and appeal to the Secretary of Labor. He says, "I would like to let them in; I would like to give them treatment; I would like to give them a chance for life; but Congress said I could not do it, if a doctor here said that a doctor over there ought to have discovered the disease."

Mr. President, that is all I care to say about it. If the Senate wants to write that kind of a law, let it be done.

Mr. LODGE. Mr. President, the last pathetic case the Senator drew the committee felt ought to be provided for. If the Senator will turn to page 48, he will find that the Senate committee has introduced this proviso:

*Provided, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.*

Mr. REED. That admits the whole case.

Mr. LODGE. Oh, no, Mr. President.

Mr. REED. If it should be done for the wife or child of a man who happens to have acquired the right to vote here, then should it not be done for the sister or the mother or the father of a man who as acquired the right to vote? And if we should do it for those who have the right to vote and jeopardize the lives of our people—for that is the theory of this provision—by allowing treatment for that class of people, why not allow it on the broad ground of humanity to the individual who does not happen to have a husband or a father in this land? Why condemn that individual to a lingering death?

Mr. LODGE. Mr. President, the argument does not work both ways. It can not be cruelty to keep them out and also cruelty to keep them in.

Mr. REED. I have not so asserted.

Mr. LODGE. I have shown that in the case of a family we have made provision not only for taking care of them in hospital until cured, but we have provided that we shall pay their expenses of treatment. That is a new provision of law which the Senate committee suggested.

Now, as to the inhumanity, the Senator draws a picture of a person afflicted with tuberculosis who has developed it within 10 days, so that a competent physician on the other side could not detect it, and it has increased so much that our Government physician on this side does detect it. That is a rapid progress of disease, and the man is hardly a subject for hospital treatment. But the Senator overlooks that it is not only tuberculosis against which we are waging a great fight everywhere to prevent its introduction and spread, but it covers also loathsome and contagious diseases. The Senator knows what that reference is without my entering into a description. I do not think it is desirable that loathsome and contagious diseases should be taken in the ship and admitted to this country unless humanity demands it or it causes undue hardship and suffering.

The language of the Senate committee amendment is broad, and we may rest assured, I think, that the Secretary of Labor is not an inhumane man. He asked for this amendment for his own guidance. It is not the invention of the committee; it is asked for by the Secretary himself. He certainly is a humane man and he knows what is best in dealing with these cases. He has seen the inhumanity that has been caused and necessarily caused by ship companies allowing or winking at the bringing on board of people who they knew ought to be excluded and congesting our hospitals with them, and it is that which he aims to stop. The cruelty begins in bringing them across the ocean, and it is the desire of the department to stop that practice and leave them on the other side. It is believed that this is the most humane way of doing it. He has asked for this change of language because he thinks that is the proper and the right way to deal with it. I do not think he is an inhumane man any more than the committee is inhumane. The object was to make the law such that a steamship company would not be tempted to bring here people whom they ought not to bring.

Mr. REED. Mr. President, if you are trying to reach the company, then penalize the company that attempts to bring the man here.

Mr. LODGE. We have done that. That is done in the bill.

Mr. REED. That is the way to reach it. If it is right to allow the consumptive child or wife of a man who is already residing in this country to come, regardless of the question whether it is necessary for them to have hospital treatment or not, then it is not right to consign all others to the doom which this bill provides, namely, that they shall not be allowed hospital treatment under any circumstances or conditions, but must be detained to their misery and their death.

Mr. President, I am willing to trust the Secretary of Labor. I am willing to trust to his discretion. I have said nothing to reflect upon him; and because I am willing to trust to his discretion and want him to have a discretion and not be denied a discretion I move to amend the amendment of the committee by striking out in lines 5, 6, and 7 the following words—

Mr. MARTINE of New Jersey. On what page?

Mr. REED. On page 41:

That the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and—

So that the clause as amended would read:

Unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering.

Mr. SMITH of South Carolina. Mr. President, as chairman of the committee I accept that amendment to the amendment.

The VICE PRESIDENT. The Chair did not catch the observation of the Senator from South Carolina.

Mr. SMITH of South Carolina. I say the committee accepts that amendment to the amendment.

The VICE PRESIDENT. Then the question is on the amendment as amended. It is agreed to without objection. The next amendment will be stated.

The SECRETARY. In section 19, page 42, line 3, strike out the words "any alien" and the comma.

The amendment was agreed to.

The SECRETARY. On the same page, line 4, after the word "entry," strike out "who shall enter the United States in violation of law" and insert:

Any alien who shall have entered the United States in violation of this act or of any law of the United States or who at the time of entry was a member of one or more of the classes excluded by law.

The VICE PRESIDENT. The amendment will be agreed to without objection.

Mr. REED. Just one moment. That it seems to me on a cursory examination is retroactive. Under it men could be deported who have legally entered heretofore. Is not that the case?

Mr. LODGE. It runs over the five years. That is the reason.

Mr. REED. Is it so intended?

Mr. LODGE. The law applies now to any time within five years after entering. He may have entered at any time during the five years.

Mr. REED. The inquiry that I wanted to address, if the Senator pleases, is this: The bill now adds a number of prohibitions and qualifications which have not hitherto been in the law, and by the clause which we are considering at the present moment, which operates back to cover a period of five years, would it not be possible to exclude and deport some of those who have legally emigrated to this country? That is the question I am asking.

Mr. LODGE. Oh, surely not, under that language. Of course at any time within five years, as the law is at present, any person who shall be found doing certain things or who shall be found to have violated the law can be deported.

Mr. REED. That is hereafter?

Mr. LODGE. It is not intended to make it retroactive in any way. It is only one class, those who shall enter the United States in violation of law. That of course covers every case. This is another administrative amendment asked for in order to make the law more explicit.

Mr. REED. I am very loath to insist upon the view that I confess comes to me just on a mere reading of the amendment, but it strikes me that under this language any alien who would be excluded under the terms of this act might be deported if he came here at any time within five years prior to the filing of the complaint, and that complaint might be filed the day after this bill was enacted. It seems to me the committee might, by taking this back, adopt some language which would make it plain that it was not intended to be retroactive.

Mr. LODGE. I will read the recommendation of the Secretary:

On page 42, lines 3, 4, and 5, strike out "any alien" and "who shall enter the United States in violation of law" and insert, immediately

following the latter, "any alien who shall have entered the United States in violation of this act or of any law of the United States, or who at the time of entry was a member of one or more of the classes excluded by law." The change thus effected in the arrangement of the words of the section is made in the interest of perspicuity. The insertion of the phrase "or of any law of the United States" is for the purpose of restoring to the measure a provision which appeared in section 21 of the act of 1907, where it was placed in response to recommendations of the Commissioner General of Immigration (see his reports for 1905, p. 99, and 1906, pp. 89, 107), which phrase evidently was inadvertently omitted from this act.

It was left out inadvertently in the House. It is a mere question of language. The committee put it in because the department requested it.

Mr. REED. Does the committee object to passing over the amendment until to-morrow?

Mr. LODGE. I have no special interest in the amendment myself, except that I think we ought to keep what is now in the law.

Mr. REED. Certainly; we ought to keep what is in the law.

Mr. SMITH of South Carolina. As the Senator from Massachusetts says, it is in the interest of fairness that the suggestion was made. It seems the practice of the department has been along these lines, and it was simply to make it more definite and insert what was inadvertently left out.

Mr. SUTHERLAND. Mr. President, it does not seem to me that the provision could possibly be given a retroactive effect—

Any alien who shall have entered the United States in violation of this act or of any law of the United States.

Of course his entry of the United States before this law was passed could not be a violation of the law. It might be a kind of an entry which would be contrary to the terms of the law, but you can not violate the law until it is in existence. So the language "who shall have entered the United States" can not be given a retroactive effect, because it also applies to any other law. There are laws which are in existence, and so it is necessary to use that language to apply to both laws, but, it seems to me, it can not possibly be given a retroactive effect.

Mr. WALSH. Mr. President, I think that the observations of the Senator from Utah [Mr. SUTHERLAND] must receive the concurrence of all who listened to them. The only clause which could by any possibility have any retroactive effect is the concluding clause of the amendment, "who at the time of entry was a member of one or more of the classes excluded by law," and it is to that class that I understand the observations of the Senator from Missouri are directed. But I am very sure that the Senator from Missouri on reflection will not deem the matter of sufficient importance to ask that the amendment be passed over, because it is conceivable, of course, that a man might have been admitted in conformity with law some three years ago but that he will now fall within one of the classes whose entry is prohibited by this law, and upon a strained construction it might be held that he was liable to be deported. But such a construction could hardly be given to it, because of the concluding language, "who at the time of entry was a member of one or more of the classes excluded by law," which undoubtedly refers to the classes excluded by the law as it existed at the time of his entry.

Mr. REED. If the Senator will pardon me, I said at the time this amendment came up that I had had no opportunity really to examine it. I suggest after the word "classes," in line 8, to insert the word "then," so that it would read:

Or who at the time of entry was a member of one or more of the classes then excluded by law.

Mr. LODGE. I see no possible objection to that amendment. I think it makes it clearer. The committee accepts it?

Mr. SMITH of South Carolina. Yes.

The VICE PRESIDENT. The amendment as modified, if there be no further discussion, will be agreed to.

The next amendment of the Committee on Immigration was, in section 19, page 42, line 14, after the word "causes," to strike out "existing prior to the" and insert "not affirmatively shown to have arisen subsequent to," so as to read:

Any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing.

The amendment was agreed to.

The next amendment was, in section 19, page 42, line 25, after the word "who," to insert "manages or," and, on page 43, line 4, after the word "assists" to insert "any prostitute or," so as to read:

Any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects, or promises to protect from arrest any prostitute.

The amendment was agreed to.



The next amendment was, in section 19, page 43, line 15, after the word "hereof," to strike out "any alien"; in line 16, after the word "entry," to insert "any alien"; in the same line, after the word "shall," to strike out "enter" and insert "have entered"; and in line 21, after the word "officials," to insert "or who enters at any time or place without inspection," so as to read:

At any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters at any time or place without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

The amendment was agreed to.

The next amendment was, in section 19, page 43, after line 23, to insert the following proviso:

*Provided*, That for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. One moment. I am not going to object to the amendment, but I think it is going to raise some interesting questions.

The VICE PRESIDENT. The amendment is agreed to without objection.

The next amendment was, in section 19, page 44, line 19, after the word "final," to insert the following proviso:

*Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof.

The amendment was agreed to.

The next amendment was, in section 20, page 45, line 12, after the word "If," strike out the word "effected" and insert "deportation proceedings are instituted," so as to read:

If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "attendance," to strike out "he may" and to insert "the said Secretary shall when necessary," so as to read:

*Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall, when necessary, employ a suitable person for that purpose.

The amendment was agreed to.

The next amendment was, in section 21, page 47, line 10, before the word "may," to insert "the said Secretary," so as to read:

SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as the said Secretary may prescribe.

The amendment was agreed to.

The next amendment was, in section 22, page 47, line 21, after the word "alien," to insert "shall have been naturalized or"; in line 25, before the word "said," to strike out "if" and insert "and"; on page 48, line 1, before the word "children," to insert "minor"; and in line 2, before the word "children," to insert "minor," so as to read:

SEC. 22. That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held.

The amendment was agreed to.

The next amendment was, on page 48, line 14, after the word "admitted," to insert:

*Provided*, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.

The amendment was agreed to.

Mr. REED subsequently said: I want to call the attention of the committee to the amendment which was adopted on page 48, which reads:

*Provided*, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent

to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment—

As to the amendment thus far I raise no objection, but it continues—

such expense to be paid from the appropriation for the enforcement of this act.

It would seem to me that that language would compel the United States Government to defray such expenses even though the husband were abundantly able to do so. I want to ask the chairman of the committee if that is not the construction that is likely to be given to that language?

Mr. SMITH of South Carolina. I think that the context, the line just preceding, is explanatory of that, though it may be a little awkwardly expressed. It reads:

The provision of this section shall be observed even though such person is unable to pay the expense of treatment, such expense—

That is, if they are unable to pay "such expense."

Mr. LODGE. The lines above read, "and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment," they may be admitted. This enlarges it, so that if such person can not bear the expense the Government undertakes it.

Mr. REED. The Senator from Massachusetts, I think, was otherwise engaged when I made my observation and did not catch its import.

Mr. LODGE. Possibly I did not.

Mr. REED. The provision that if the individual or the relative is not able to bear the expense the Government shall do so is all right, but the last four lines read:

The provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.

It occurs to me that that throws the burden upon the Government regardless of the ability to pay, and I beg to suggest that the amendment ought to be amended to read "in which case the expense shall be paid from the appropriation for the enforcement of this act."

Mr. LODGE. I see I did not catch the point which the Senator from Missouri made, which is a very sound point. I think the change he suggests ought to be made.

Mr. REED. I make the suggestion, then, to strike out in line 22, on page 48, the words "such expense to be" and to insert "in which case such expense shall be," so that the clause would read:

In which case such expense shall be paid from the appropriation for the enforcement of this act.

Mr. SMITH of South Carolina. I accept the amendment.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 23, page 50, line 18, after the words "Secretary of Labor," to insert:

*Provided*, That no person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry. The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section 8 of this act, and upon conviction shall be subject to the penalty therein prescribed.

The amendment was agreed to.

The next amendment was, in section 24, page 51, line 25, after the word "laborers," to insert "and induced and assisted immigrants," and on page 52, line 1, after the word "employ," to insert "for such purposes and for detail upon additional service under this act when not so engaged," so as to read:

*Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation.

The amendment was agreed to.

The next amendment was, on page 52, line 9, after the word "act," to strike out "\$50,000" and to insert "\$100,000," so as to read:

He may draw annually from the appropriation for the enforcement of this act \$100,000, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 28, page 54, line 12, after the word "organization," to strike out "entering" and to insert "entertaining," so as to read:

SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government.

The amendment was agreed to.

Mr. REED subsequently said: Mr. President, before the amendment in section 28, on page 54, line 12, is finally adopted I have a suggestion to make to the committee. I understand, of course, that the amendment has been made to correct the misprinting of a word. As corrected the language reads:

Or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government.

I think the word "entertaining" only weakens the sentence, and that if it were stricken out, so that the sentence would read "teaching disbelief," it would be a stronger sentence. Though it is not very material, I make the suggestion.

Mr. SMITH of South Carolina. Mr. President, as stated by the Senator from Missouri, this amendment has been made to correct a misprint; but to strike out the word "entertaining" would change the present law, for the language of the present law is "entertaining and teaching."

Mr. REED. Very well; though I think it should be merely "teaching." If you have got to prove both entertaining and teaching, you are not as strongly situated as if you simply had to prove teaching.

I move, however, in accordance with a suggestion which has been made to me by the Senator from Mississippi [Mr. VARDAMAN] to change the word "and," in line 12, to the word "or," so that the clause would read:

Or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government.

Mr. SMITH of South Carolina. The committee accepts the amendment.

The VICE PRESIDENT. If there be no objection, the vote whereby the amendment was agreed to will be reconsidered. The question now is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Immigration was, in section 30, page 56, line 2, after the words "Bureau of Immigration," to strike out "and Naturalization," so as to read:

SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration.

The amendment was agreed to.

The next amendment was, in section 33, page 58, line 21, after the word "reshipping," to insert "under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law or treaty from remaining permanently in the United States," and, on page 59, line 3, after the word "given," at the end of line 2, to insert "by the master or the seaman himself," so as to make the proviso read:

Provided, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

The amendment was agreed to.

The next amendment was, in section 34, page 59, line 5, after the word "shall," to strike out "desert his vessel" and to insert the word "land"; and, in line 6, after the words "United States," to strike out "or who shall land therein," so as to make the section read:

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

Mr. REED. Mr. President, I have no desire to be pestiferous or troublesome, but before we adopt this amendment I wish

to ask the chairman of the committee or some other member of the committee if the object of these sections is not to prohibit what is commonly called desertion by seamen?

Mr. LODGE. Not at all, Mr. President. The sections are very carefully drawn to avoid that. That is the reason why we propose to eliminate the word "desert." One of the most prolific sources of evasion of the immigration laws, however, has been by reason of people coming to this country occupying some position on a ship. Having failed, perhaps, in many cases to come in as immigrants, they come as seamen, shipping for merely the voyage here as stewards or stokers. They merely land on the wharf from the ship and never pass through the immigration inspection at all. Over 15,000 such cases occurred two years ago.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment was, in section 35, page 60, line 7, after the words "sum of," to insert "\$25, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel," so as to make the section read:

SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiosyncrasy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability of the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

The amendment was agreed to.

The next amendment was, in section 36, page 61, line 5, after the word "has," to strike out "deserted" and insert "illegally landed from," so as to read:

SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension, etc.

The amendment was agreed to.

Mr. LODGE. Mr. President, I desire to call the attention of the Senator from Missouri to the amendment which has just been agreed to, and very properly agreed to, which shows the purpose which I was indicating to him. The House bill employed the word "deserted," which was a technical word arising under treaty. We struck it out, and put in the words "illegally landed from," which have reference only to the provisions of this act.

Mr. REED. I think the committee is right in its contention.

The VICE PRESIDENT. That completes the committee amendments, save those which have been passed over.

Mr. REED. Mr. President, it may be a little out of order, but I desire to recur now to the much-discussed amendment on page 41, which was amended so as to read, "unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering."

I suggest to the committee that there be added to that amendment as now adopted a clause similar to the one found on page 60, which provides that an alien detained and treated in the hospitals under the supervision of immigration officials shall be kept there at the expense of the vessel. I think if that clause were added to the provision on page 41 it would have a tendency to bring about the very object the committee had in view, namely, to penalize the vessel owner for bringing over those who are afflicted with disease which could have been detected.

Mr. LODGE. The amendment on page 60 includes the words "and pending departure of the vessel."

Mr. REED. We will have to modify that language.



Mr. LODGE. Yes; that will have to be modified. Of course, if an alien is not admitted to hospital treatment he remains on the vessel under treatment of the ship's surgeon.

Mr. REED. I suggest this language to come in after the word "suffering," in line 9, page 41:

If, under the order of the Secretary of Labor, such immigrant shall be admitted to the hospital, he shall be treated under the supervision of the immigration officials and at the expense of the vessel transporting such immigrant.

Mr. SMITH of South Carolina. I accept that amendment.

Mr. REED. Mr. President, the Senator from Montana [Mr. WALSH] makes a suggestion to me which will improve the wording of the amendment and accomplish the same result, namely, to add, after the word "suffering," the words "in which case the alien shall be treated in the hospital under the supervision of immigration officials at the expense of the vessel transporting him." I suggest that as an amendment.

Mr. SMITH of South Carolina. The committee will accept that.

The VICE PRESIDENT. That does not affect the amendment as adopted in Committee of the Whole.

Mr. LODGE. It is practically a new amendment.

The VICE PRESIDENT. The Chair so understands. The Secretary will state the amendment.

The SECRETARY. On page 41, line 9, after the word "suffering," it is proposed to insert "in which case the alien shall be treated in the hospital under the supervision of immigration officials at the expense of the vessel transporting him."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. There are certain amendments which, the Chair understands, were passed over. The Secretary will state the first amendment passed over.

The SECRETARY. In section 2, page 2, line 18, after the words "United States," the committee proposes to insert "except that with respect to an alien accompanied by his wife, child, or children said tax shall be \$4 for each such alien, wife, and child." Mr. O'GORMAN has proposed an amendment to the amendment, as follows:

In line 18 strike out the words "an alien accompanied by his" and insert the word "the," and after the word "child" insert "of an alien," so as to read: "except that with respect to the wife, child, or children of an alien said tax shall be \$4 for each such alien, wife, and child."

Mr. REED. Mr. President, the Senator from New York [Mr. O'GORMAN] is absent to-day, and I suggest that that amendment be allowed to go over.

Mr. SMITH of South Carolina. Mr. President, I think that what the Senator from New York seeks to accomplish will perhaps be better accomplished by an amendment proposed by the Senator from Minnesota [Mr. NELSON], which, in lieu of the amendment of the committee in lines 18, 19, and 20, proposes to insert these words:

Provided, That children under 15 years of age who accompany their father or their mother shall not be subjected to said tax.

After hearing his statement, in view of the fact that the Senator from Minnesota is not present, and it is acceptable to the committee, I suggest that as an amendment.

Mr. REED. Mr. President, I do not know whether or not it would be acceptable to the Senator from New York. I would not undertake to pass on that.

Mr. SMITH of South Carolina. I am perfectly willing that the amendment shall go over.

Mr. REED. I think it ought to go over.

Mr. LODGE. The Senator from Minnesota, who has offered the amendment which the Senator from South Carolina has just described and which I think is very good, is not present, either.

The VICE PRESIDENT. In the absence of objection, the amendment will be passed over. The Secretary will state the next amendment passed over.

The next amendment passed over was, in section 3, page 6, line 17, after the word "unskilled," to insert "mental or manual."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. That amendment was passed over at the request of the committee, and I had assumed that the committee would probably have something to suggest.

Mr. SMITH of South Carolina. Mr. President, the committee, having gone very thoroughly into this matter, and being of the opinion that no other wording would so accurately reach the object which this clause was intended to reach, has seen no reason at all to recede from the proposed amendment. The chairman of the committee took occasion the other day to try

to explain fully just why it was necessary to use this phraseology.

Mr. WALSH. Mr. President, getting no very definite information as to the classes at which this particular provision was directed in the course of the discussion the other day, I took the matter up with the Department of Labor, and I have here a memorandum showing some typical cases of alien contract laborers admitted to the United States on the ground that they were engaged in labor the predominant feature of which was mental rather than manual. I will ask that the memorandum be printed as a part of the discussion without reading, but I will refer to a few of the cases to which it adverts:

#### CASE OF HENRY STOWE.

An English-Canadian railroad section hand, imported by the New York Central Railroad for service as a section foreman on its tracks. Admitted by the Department of Commerce and Labor on January 8, 1912, as a "mental laborer."

I should be disposed to differ from the construction placed upon the act by the Department of Labor. I think it is going a long way to hold that a section foreman is engaged in labor the predominant feature of which is mental in character.

#### CASE OF CHARLES EDWARD CLARKE.

English-Canadian loom repairer; rejected by the board of special inquiry at Port Huron, Mich., on September 21, 1911, the record being forwarded to the department on September 26 by the officer in charge with recommendation that the appeal be sustained, as the claim had been made, and not disproved, that the alien was to be employed as foreman in a woolen mill that had advertised for an employee of that kind in a foreign newspaper, and that the mental elements would predominate in such employment. The alien, without awaiting for the decision of the appeal, entered the United States surreptitiously, and was later found in the employ of the mill in the capacity of an ordinary workman, showing that he was being imported under the guise of a foreman, a subterfuge quite frequently resorted to; whereupon he was arrested and deported.

So you will observe that the gentleman did not succeed in getting into this country on the ground that he was a mental laborer.

#### CASE OF ANDRE PIGNARD.

A French silk-tulle weaver, admitted by the department on March 5, 1912, it appearing from the record that he was to occupy the position of foreman in a silk-manufacturing mill—it also being claimed that labor of like kind unemployed could not at the time be found in the United States.

So this particular individual came in under the provision which has been adverted to covering cases where it is impossible to find laborers to do the work in this country.

#### CASE OF GEORGE DAVIES.

English golf links "green keeper," admitted by the department on March 11, 1912, because it was found that the alien was to supervise the work of the ordinary laborers in keeping the golf links of the club importing him in proper condition.

And so on through this list, Mr. President, which convinces me that the evil that exists, so far as it does exist at all, is due to an unwarrantable construction which has been given by the Department of Labor in certain instances to the present act. The relief is sought simply because in some particular instances the Department of Labor extends the list of those embraced within the class of mental laborers to limits that are entirely unwarranted by the law.

I do not find that there has ever been any authoritative adjudication holding a man to be engaged in labor the predominant feature of which is mental where there was any particular reason why the man should be excluded from this country as a laborer. I freely admit that by an erroneous and absurd construction of the present act some people can get into this country upon the ground that they are engaged not in manual labor but in mental labor; but under any proper construction of the act I do not think there is any evil whatever to be remedied.

It has been suggested that musicians sometimes are brought into this country under contract, and the question is raised as to whether the members of a band are engaged in mental labor or in manual labor. It may be that some cases of that kind do arise—I dare say they do—in which we all agree that they ought not to be admitted if they come here under contract, or by the inducement or solicitation against which the bill is aimed. The solicitor for the department suggests that instead of the language used in the amendment certain language used by him might be employed. I read from the letter:

The department fixed upon the insertion of the words "mental or manual," in line 17, page 6, as the briefest and most direct manner of accomplishing the purpose in view, because the distinction between mental and manual labor is the gist of the Attorney General's opinion. Of course, however, it has no pride of authorship in this matter, and would be glad to see the purpose accomplished in any way that might seem acceptable to you and other Senators interested in the subject. Thus you might think that the object can be accomplished just as well, and the use of the words to which exception has been taken avoided, by inserting in lieu of such words some such expression as this, "except

only as hereinafter provided," thus specifically indicating the connection between the excluding provision and the exceptions later appearing in the proposed law.

But, of course, to incorporate language such as that would exclude everybody except those specifically mentioned in the subsequent clause. I find, however, that greater liberality has been exercised by the department in the construction it gives to the words "recognized learned profession," because it appears that persons belonging to almost all of the so-called professions, whether heretofore denominated as learned professions or whether they are recognized learned professions, are regarded as being entitled to admission under the exception. For instance, I am told in the letter from the department as follows:

In *United States v. Laws* (163 U. S., 258) the Supreme Court held that a chemist being brought to the United States under contract for employment in a sugar factory was undoubtedly a member of a recognized learned profession; and the department has never hesitated to admit all kinds of chemists coming to the United States to follow that vocation. Reference was also frequently made to engineers. The department has repeatedly held that all branches of the engineering profession are to be regarded as a "recognized learned profession." The case that you had particularly in mind, to wit, the importation of a man skilled in the propagation of sugar beets for seeding purposes, I have no doubt whatever would be regarded, if it ever arose, as falling within the exception in favor of the importation of labor on the ground that labor of like kind unemployed could not be found here if, indeed, the alien would not belong to some branch of the chemistry profession, a soil chemist, for instance.

In view of these considerations, Mr. President, I do not feel like pressing the objection I made to this portion of the bill. I ask, however, that the entire communication be printed as part of the discussion.

THE VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, December 14, 1914.

HON. THOMAS J. WALSH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation of Friday last, regarding the debate in the Senate on Thursday with respect to the proposal of the Immigration Committee to insert in section 3 of the pending immigration bill, on page 6, line 17, after the words "unskilled" the words "mental or manual," I have the honor to hand you herewith a memorandum furnishing briefly the facts in a number of cases selected hurriedly and somewhat at random from among hundreds of similar cases, the records of which are on file in the Bureau of Immigration, illustrating the difficulty in the administration of the law which the department desires to overcome, and in pursuance of which desire the amendment mentioned was suggested by the department to the Senate Committee on Immigration. The facts of these cases speak for themselves to a considerable extent, but in order to make their illustrative character perfectly clear there has been inserted in the memorandum, following some of the statements of fact, brief comment with regard to the particular case covered. I also wish to set forth the reasons which, in the department's judgment, render it imperative that the amendment proposed by the Senate committee, and passed over temporarily by the Senate on Thursday last, or some other amendment calculated to effect the purpose in view, shall be adopted before the immigration act is passed.

It seems to me that most, if not all, of the objections voiced by you and several of the other Senators who took part in the debate would not have been raised if the several disjointed provisions of section 3 relating to alien contract laborers had been brought together and their joint effect considered. Because of the manner in which section 3 is constructed, obviously they could not conveniently be so joined in the draft. As a preliminary to my discussion of them I bring them together as follows:

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States (p. 4, lines 21-22): Persons hereinafter called contract laborers, who have been induced, ASSISTED, ENCOURAGED, or solicited to migrate to this country by offers or promises of employment, WHETHER SUCH OFFERS OR PROMISES ARE TRUE OR FALSE, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled, *mental or manual* (p. 6, lines 10-17): *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country. AND THE QUESTION OF THE NECESSITY OF IMPORTING SUCH SKILLED LABOR IN ANY PARTICULAR INSTANCE MAY BE DETERMINED BY THE SECRETARY OF LABOR UPON THE APPLICATION OF ANY PERSON INTERESTED, SUCH APPLICATION TO BE MADE BEFORE SUCH IMPORTATION, AND SUCH DETERMINATION BY THE SECRETARY OF LABOR TO BE REACHED AFTER A FULL HEARING AND AN INVESTIGATION INTO THE FACTS OF THE CASE (p. 10, lines 6-15): *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession" (p. 11, lines 3-8).

So much of the above as appears in ordinary type is the existing law (sec. 2, act of Feb. 20, 1907; 34 Stat., 898); so much as appears in capitals represents changes of language placed in the measure by the House of Representatives in the interest of clearness and exact consistency with other provisions of the proposed law and in conformity with recommendations growing out of the work of the congressional Immigration Commission and of the Bureau of Immigration; and only the words "mental or manual," italicized, are suggested by the Senate committee. The law constituted of the provisions above quoted is what is commonly known as the alien contract-labor law, passed first in 1885 (23 Stat., 332), slightly amended in 1888 (25 Stat., 565), again in 1891 (26 Stat., 1084), again in 1893 (27 Stat.,

569), and finally brought into substantially the form now proposed in 1903 (32 Stat., 1213). From 1903, if not even an earlier date, until June, 1909, the alien contract-labor law was construed by the Bureau of Immigration and the department of which that bureau was a part to include all kinds of labor, whether mental or manual, or a combination of the two, the theory of such construction being that the use in the law of the words "labor of any kind, skilled or unskilled," or, as they appeared in the earlier statutes, "labor or service of any kind," and the insertion in the statute of special exceptions to this broad and general provision, justified the conclusion that Congress intended that the law should reach all classes of aliens induced to come to this country by an offer or promise of employment, except such as Congress had seen fit to specifically except from said general provision. But on June 2, 1909, the Attorney General rendered an opinion (27 Ops., 383) holding that an alien who was being imported under contract to serve an American employer as superintendent of a lumbering camp was not excluded by the alien contract-labor law, and based such holding upon a theory argued largely from the decision of the Supreme Court, construing the original contract-labor law of 1885, in *Church of the Holy Trinity v. United States* (143 U. S., 457). Thereupon the Bureau of Immigration and the Department of Commerce and Labor—and, commencing with its formation, this department—adopted an application of the law under which the effort was made to distinguish between cases of manual labor and cases of mental labor, which application of the law was continued until January, 1914, when the Supreme Court rendered its decision in *Lapina v. Williams* (232 U. S., 78), construing provisions of the law other than those relating to contract labor, but holding, broadly, that, inasmuch as section 2 of the act of 1907 "contains its own specific provisos and limitations," such provisos and limitations, "on familiar principles, strongly tend to negative any other and implied exception" (p. 92), and also pointing out that after the Supreme Court rendered its decision in the *Holy Trinity* case the law was changed so as to specifically except from the operation of the contract-labor provisions "ministers of any religious denomination" (pp. 88-89). Having learned by actual experience that it was so difficult as to be practically impossible to distinguish in many instances between mental and manual vocations or to determine which of the two elements predominated in any particular calling, and having found that because of this difficulty and because of the tendency toward widening which always occurs once that a breach has been made in the administration of a statute of this kind, that many American workers of classes undoubtedly intended to be protected by the contract-labor provisions were not receiving due protection, this department welcomed the decision of the Supreme Court in the *Lapina* case, although merely obiter dicta for the particular purpose in mind, as a means of escaping from the ill effects of the Attorney General's opinion and of the effort to enforce the law in accordance with the terms of such opinion, and it accordingly gave instructions to the immigration officials to return to the construction of the law which had been followed uniformly prior to the handing down of the said opinion.

The suggestion made to the Senate Immigration Committee in the letter of the Secretary of Labor (S. Doc. No. 451, p. 5), adopted by the Senate committee, as shown on page 5 of its report (S. Rept. No. 355), was merely with the purpose of clarifying the situation and making it certain that the construction of the law followed by the bureau and department prior to June, 1909, and since January, 1914, and intimated by the Supreme Court, obiter dicta, to be correct, should obtain in applying the new law instead of the construction given the statute in the Attorney General's opinion. Obviously if Congress should pass the pending measure without inserting therein some expression indicating that it does not approve of the construction placed upon the law by the Attorney General, those who wish to narrow the application of the statute or gradually to break it down will be afforded the strongest kind of an argument with which to support the contention that the law applies only to manual laborers, and that in every case where it is shown that the mental element predominates over the manual the department must admit the alien contract laborer, and the Government can not proceed against the person or corporation making the importation.

Without including in this letter a specific reference to each of the cases covered by the inclosed memorandum, it seems desirable at this time to set up several illustrations. Take the very case to which the Attorney General's opinion relates. There was nothing in the record to show that there were not in the United States unemployed at the time the alien McNair applied for admission a number of skilled logging and lumbering men who through aptitude and experience and the possession of inherent executive ability were perfectly capable of filling the position of superintendent of a logging camp. Were not those unemployed American skilled workmen entitled to believe that the law protected them against the importation of a foreigner to take the job which they were qualified to fill and anxious to obtain? Again, take the case of lithographers. Can men following that vocation be classed as manual laborers without doing violence to common sense? They are of so high a class that it has been contended that they are artists (26 Ops. Atty. Gen., 284, 285-286); yet everyone familiar with the history of contract-labor legislation knows that the lithographers' union has always supposed that American lithographers were protected against the importation of foreigners, and have always insisted that they be given such protection; in fact, in the very case in which the opinion just cited was rendered the union complained of the action of the department in admitting the two foreign lithographers on the theory that labor of like kind unemployed could not be found here. Take again the case of musicians—members of bands and orchestras—who have not yet attained that standing in the musical world which would entitle them to be regarded as artists. The union having in its membership many American musicians of this character was one of the most active advocates of the contract-labor law, and naturally has always supposed that its members were protected by such law. Yet who would undertake to hold that such a musician is a manual laborer? Who could do so without making himself ridiculous? The opinion in the McNair case resulted, of course, in the admission of the alien and in the establishment of a precedent under which all manner of superintendents, foremen, and overseers, whose work is of a directory nature, requiring the use of the brain to a greater extent than the use of the brawn, could be admitted. The admission of a lithographer or a musician establishes a precedent which can readily be used by members of the large numbers of trades and occupations in which the performance of the work requires a mental training and aptitude which predominates over the manual dexterity and is necessary to the exercise of the latter. Are not these high-class American operatives and workmen entitled to the same protection that is afforded by the law to the common manual laborer and the skilled mechanic working mostly with his hands?



It seems to me that when the law as proposed and its exceptions are read together every case suggested during the course of Thursday's debate can readily be taken care of. At any rate, it can be stated most positively that during the long period when the law was given the construction which it is proposed to have the Senate approve by inserting the words "mental or manual" there was not the least difficulty in admitting to the United States peculiarly skilled foreign workmen, whether their vocation was mental or manual, or a combination of both, in every instance in which the establishment here of a new industry or a scarcity here of skilled men to be engaged as employees in an established industry was shown to exist and in which the aliens whom it was desired to employ came to a port of the United States and applied for admission. The only difficulty that was encountered in cases of this kind arose from the fact that the law contained no provisions under which the right of the employer to make the importation could be determined in advance of the aliens' application for admission, men belonging to the higher-class vocations often not being willing to leave their foreign homes unless they could be assured in advance that they would be promptly landed on reaching a United States port. This difficulty is taken care of by the provision inserted in the law by the House appearing on page 10 (lines 6-15) of the bill as reported by the Senate committee, which has been amended by the Senate in its adoption of the recommendation of the committee for the elimination from the provision of the words stricken through in the reported print of the bill, lines 15 to 25, page 10, and 1 to 2, page 11. The reasons for eliminating this awkward and, it is believed, unworkable plan are briefly shown on page 6 of Senate Report No. 355, and in more detail on page 6 of Senate Document No. 451, the latter being this department's letter to the chairman of the committee, recommending the striking out of the words in question.

In the debate reference was frequently made to chemists, several of the Senators apparently being of the opinion that a chemist is not a member of a "recognized learned profession." In *United States v. Laws* (163 U. S., 258), the Supreme Court held that a chemist being brought to the United States under contract for employment in a sugar factory was undoubtedly a member of a recognized learned profession; and the department has never hesitated to admit all kinds of chemists coming to the United States to follow that vocation. Reference was also frequently made to engineers. The department has repeatedly held that all branches of the engineering profession are to be regarded as a "recognized learned profession." The case that you had particularly in mind, to wit, the importation of a man skilled in the propagation of sugar beets for seeding purposes, I have no doubt whatever would be regarded, if it ever arose, as falling within the exception in favor of the importation of labor, on the ground that labor of like kind unemployed could not be found here, if, indeed, the alien would not belong to some branch of the chemistry profession—a soil chemist, for instance. There is no trouble in taking care of these exceptional cases. Probably the law could not be so drawn as to include within its exceptions, in terms, every variety of exception that might be encountered in practice; but, of course, the statute must be prepared so as to lay down a positive and broad rule and keep the exceptions closely enough confined to prevent their negating the effect of the general provisions, leaving a reasonable application of the measure to specific cases to the discretion of the department charged with the enforcement of the law.

I note also from the debate that several of the Senators seem to have been laboring under the impression that decision of all these matters is vested by the statute in "the immigrant inspector or agent." They have overlooked the fact that no alien can be excluded from the United States by an immigrant inspector. All the inspector can do is to admit or, if he is not satisfied that the applicant is entitled to admission, to have such applicant set aside from the inspection line and held for examination by a board of special inquiry. The board is composed of three inspectors, always selected because of long experience and demonstrated capacity for this kind of work, and even the board can not finally say that the alien has no right to enter, in cases of the nature under discussion, the alien having the right of appeal to the Secretary of Labor, before whom every reasonable opportunity is afforded for the presentation of evidence and the submission of argument by or on behalf of the alien and by or on behalf of the person or corporation that is attempting to make the importation. Under the law as now proposed, anyone desiring to import a skilled laborer from abroad could lay his entire case before the Secretary of Labor in advance of sending for the alien, present his evidence, make his argument, and, if the permission is granted, send for the alien, with the assurance that on arrival he would be admitted, so far as the contract-labor provisions were concerned, immediately on landing from the ship. Surely no plan better calculated properly to enforce the law, with fairness to all concerned, could possibly be devised than that proposed in the bill now pending before the Senate and the report of the committee thereupon.

The department fixed upon the insertion of the words "mental or manual" in line 17, page 6, as the briefest and most direct manner of accomplishing the purpose in view, because the distinction between mental and manual labor is the gist of the Attorney General's opinion. Of course, however, it has no pride of authorship in this matter and would be glad to see the purpose accomplished in any way that might seem acceptable to you and other Senators interested in the subject. Thus you might think that the object can be accomplished just as well and the use of the words to which exception has been taken avoided by inserting in lieu of such words some such expression as this, "except only as hereinafter provided," thus specifically indicating the connection between the excluding provision and the exceptions later appearing in the proposed law, and also now standing in the existing law, and showing that the Senate is following the obiter dicta suggestion of the Supreme Court in the *Lapina* case, supra, that the insertion of exceptions shall "negative any other and implied exception." I trust, however, that upon reading the foregoing you may reach the conclusion that the Senate committee amendment should be adopted as proposed.

Very truly, yours,

J. B. DENSMORE,  
Acting Secretary.

MEMORANDUM SHOWING SOME TYPICAL CASES OF ALIEN CONTRACT LABORERS ADMITTED TO THE UNITED STATES ON THE BASIS OF THE OPINION OF THE ATTORNEY GENERAL DATED JUNE 2, 1909 (27 OPS., 383).

#### CASE OF HENRY STOWE.

An English-Canadian railroad section hand, imported by the New York Central Railroad for service as a section foreman on its tracks. Admitted by the Department of Commerce and Labor on January 8, 1912, as a "mental laborer."

#### CASE OF CHARLES EDWARD CLARKE.

English-Canadian loom repairer, rejected by the board of special inquiry at Port Huron, Mich., on September 21, 1911, the record being forwarded to the department on September 26 by the officer in charge with the recommendation that the appeal be sustained, as the claim had been made, and not disproved, that the alien was to be employed as foreman in a woolen mill that had advertised for an employee of that kind in a foreign newspaper, and that the mental elements would predominate in such employment. The alien, without waiting for the decision of the appeal, entered the United States surreptitiously and was later found in the employ of the mill in the capacity of an ordinary workman, showing that he was being imported under the guise of a foreman, a subterfuge quite frequently resorted to, whereupon he was arrested and deported.

#### CASE OF ANDRE PIGNARD.

A French silk-tulle weaver, admitted by the department on March 5, 1912, it appearing from the record that he was to occupy the position of foreman in a silk-manufacturing mill, it also being claimed that labor of like kind, unemployed, could not at the time be found in the United States.

NOTE.—The above cases sufficiently illustrate the effect of the Attorney General's opinion upon the admission of superintendents, overseers, and foremen, and skilled laborers employed in like capacity.

#### CASE OF GEORGE DAVIES.

English golf links "green keeper," admitted by the department on March 11, 1912, because it was found that the alien was to supervise the work of the ordinary laborers in keeping the golf links of the club importing him in proper condition.

#### CASE OF HARRY HOUGHTON.

English-Canadian car weigher, admitted by the department on October 31, 1910, having been imported by one of the railroad companies for employment as a weigher of cars. The opinion of the Attorney General was relied upon and the conclusion reached that the weighing of railway cars was more mental than manual in character.

#### CASE OF EUGENE PARE.

French-Canadian telegraph operator, admitted by the department on February 28, 1911, being imported by a railroad company to work at his trade, the decision being that such occupation is of a more mental than manual nature.

#### CASE OF WILLIAM JOHN SELDON AND FREDERICK CHARLES BROWN.

English-Canadian musicians (members of a band), admitted by the department on May 19, 1910, being under contract to serve as musicians with "Kemp's Wild West Show" at \$8 per week. In this case the bureau recommended exclusion, but the department overruled the recommendation and ordered the aliens landed, it being considered that the playing of music did not involve manual labor, or, at least, that the mental element predominated.

#### CASE OF ANTONIO CAYOL AND MANUEL FERREIRA PEREZ.

Spanish boys, attempting, in March, 1910, to enter Porto Rico to accept employment previously contracted for in retail merchandise houses. The bureau recommended exclusion, holding that, inasmuch as the boys were mere apprentices and would be obliged, for some time at least, to perform the ordinary heavy work around the store, the manual element predominated; but such recommendation was overruled by the department and the aliens landed upon the theory that the occupation of salesman in the store is a mental occupation.

#### CASE OF JOHN A. WATSON.

Scotch-Canadian clerk, admitted by the department on December 3, 1909, being under contract to accept employment as clerk in a dry-goods house. The bureau recommended exclusion, expressing the view that selling dry goods over a counter was an occupation in which the manual elements exceeded the mental, but the department ruled otherwise.

#### CASE OF ALBERT LEVY.

Turkish boy, imported by a post-card house in St. Louis to fill the position of salesman or "hawker" of picture post cards. Secured admission on primary inspection by not disclosing the facts regarding the offer of employment, but was subsequently arrested. Finally released by the department on March 9, 1912, the holding being that the occupation was mental rather than manual.

NOTE.—The above cases sufficiently illustrate how efforts to administer the law in such a way as to follow the distinction laid down in the Attorney General's opinion necessarily constantly tend toward the cutting down of the provisions of the statute and the admission to the country of all alien workmen with respect to whom it is not clearly shown that the occupation is of a strictly manual nature.

#### CASE OF OMER DUBE AND JEAN DESAUTELS.

French-Canadian organ mechanics, rejected by the department in May, 1912, on the ground that the claim that the aliens were to be employed as foremen in an organ factory was not established by the evidence; later admitted on the basis of additional evidence showing that the work they were to perform was of a peculiarly skilled nature and that men capable of performing it could not be found unemployed in the United States.

NOTE.—The case last given illustrates not only the fact that employers are every ready to seize upon the pretext that alien employees are being brought in for supervisory work, that being a claim easy to set up and difficult to disprove, but also the fact that it is perfectly easy for employers to import foreign skilled help when there is a real scarcity or nonexistence of such help in the United States, the department being willing to admit upon the second claim, although the importers had failed to prove the first claim to its satisfaction.

**THE VICE PRESIDENT.** The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

**THE SECRETARY.** The next amendment passed over is on page 14, line 4, after the word "solicit," to insert the words "or attempt to induce, assist, encourage, or solicit."

**MR. REED.** Mr. President, has the committee some suggestion to make with reference to this amendment?

**MR. SMITH** of South Carolina. Mr. President, the committee has no suggestions to make. This language was put in at the

suggestion of the solicitors charged with the legal administration of the provision. They asked that we insert it in order to avoid certain difficulties they had already experienced in the interpretation of the provision, and at the worst it can only be a strained construction. I think it is all right as it is. The committee has no suggestions to make.

Mr. REED. Mr. President, it has been repeatedly said by Senators who have debated this bill that under the law as it is here proposed, if a citizen of this country were merely to write a letter to an alien stating the advantages of this country he would thereby become liable to punishment. The Senator from North Dakota [Mr. GRONNA] mentioned a case which, as he stated it, was a very aggravated one.

I have not had an opportunity to examine these phases of the bill. If it is susceptible of such a construction as that, it ought not to be enacted. If it is not susceptible of that construction, the fact ought to be known. So far as I am concerned, I am making these remarks now in order that if there is any Senator who has any further light to give us we may have it.

I want to prohibit contract labor being brought into this country, but I do not want to help pass a law that will result in the punishment of a man for merely stating the advantages of this country.

Mr. GRONNA. Mr. President, I am opposed to this amendment, and I hope the amendment of the committee will not prevail.

The contract-labor law is very drastic now. The law as it was passed in 1907—and that was the law for some years, I believe—provides as follows:

That the following classes of aliens shall be excluded from admission into the United States: \* \* \* persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled.

I believe that provision is about as drastic as it ought to be. I believe the language used in the proposed amendment goes even further than the Senator from Missouri has stated. I believe it would be possible to construe it so that if some friend of a prospective immigrant should go to a bank and ask for a loan to assist his friend to purchase a ticket, that could be construed to be a violation of law.

I think it is wholly unnecessary to embody in the law a provision so drastic as this one is, and I ask for a roll call on the amendment because I shall vote against it.

The VICE PRESIDENT. The Senator from North Dakota calls for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, I ask that the amendment may be stated.

The SECRETARY. On page 14, lines 4 and 5, after the word "solicit" and the comma, it is proposed to insert "or attempt to induce, assist, encourage, or solicit."

Mr. SMITH of South Carolina. Mr. President, before the roll call begins, do I understand that the Senator from North Dakota has moved to strike out, and that a vote in the affirmative is a vote in favor of striking out?

The VICE PRESIDENT. Oh, no. The Senator from North Dakota asks for the yeas and nays on the committee amendment. The question will be on agreeing to the committee amendment. Those who are in favor of the amendment will vote "yea"; those who are opposed to it will vote "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. THORNTON (when Mr. RANDELL's name was called). I desire to announce the necessary absence of my colleague [Mr. RANDELL] on public business.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY].

I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

The roll call was concluded.

Mr. STONE. I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him present, and I therefore withhold my vote.

Mr. CHILTON. I have a pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I am informed that if he were present he would vote as I shall vote. I therefore vote "yea."

Mr. DU PONT. I wish to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with him, I withhold my vote.

Mr. GRONNA. I inquire whether the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator, which I transfer to my colleague [Mr. McCUMBER] and will vote. I vote "nay."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I am informed by his colleague [Mr. LODGE] that if the junior Senator from Massachusetts were present he would vote as I shall vote. I therefore vote "yea."

Mr. POINDEXTER. I desire to state that the senior Senator from Maine [Mr. JOHNSON] and the junior Senator from Florida [Mr. BRYAN] are engaged on business of the Senate at a hearing before the subcommittee of the Committee on Naval Affairs.

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is temporarily absent from the Chamber. If he were present, he would vote "yea."

The result was announced—yeas 45, nays 6, as follows:

#### YEAS—45.

Chamberlain	Kern	Reed	Thomas
Chilton	Lane	Robinson	Thompson
Clapp	Lea, Tenn.	Root	Thornton
Cummins	Lodge	Saulsbury	Tillman
Dillingham	Martin, Va.	Shafroth	Vardaman
Fletcher	Norris	Sheppard	Walsh
Gallinger	Oliver	Sherman	White
Gore	Overman	Smith, Ariz.	Williams
Hardwick	Page	Smith, Ga.	Works
James	Penrose	Smith, Mich.	
Jones	Perkins	Smith, S. C.	
Kenyon	Poinexter	Smoot	

#### NAYS—6.

Catron	Gronna	Pomerene	Sterling
Crawford	Martine, N. J.		

#### NOT VOTING—45.

Ashurst	Colt	Lippitt	Simmons
Bankhead	Culbertson	McCumber	Smith, Md.
Borah	du Pont	McLean	Stephenson
Brady	Fall	Myers	Stone
Brandeggee	Goff	Nelson	Sutherland
Bristow	Hitchcock	Newlands	Swanson
Bryan	Hollis	O'Gorman	Townsend
Burleigh	Hughes	Owen	Warren
Burton	Johnson	Pittman	Weeks
Camden	La Follette	Ransdell	
Clark, Wyo.	Lee, Md.	Shields	
Clarke, Ark.	Lewis	Shively	

So the amendment of the committee was agreed to.

The SECRETARY. The next amendment passed over is, on page 14, line 8, after the word "act," to insert: "and have been imported with the permission of the Secretary of Labor in accordance with said section."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 15, line 5, after the word "solicit," to insert "or attempt to induce, assist, encourage, or solicit."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 18, line 23, after the word "any," to strike out the words "mental or."

Mr. REED. Mr. President, I move, as a substitute for the committee amendment, to insert, after the word "mental," the words "defect other than those above specifically named," so that, if amended, the clause will read:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature—

And so forth.



Mr. SMITH of South Carolina. On behalf of the committee, I accept that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, line 23, after the word "mental," it is proposed to insert the words "defect other than those above specifically named."

The VICE PRESIDENT. The committee amendment will be disagreed to, then, without objection. The question is on the amendment of the Senator from Missouri, which proposes to insert, after the word "mental," the words "defect other than those above specifically named."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 19, line 5, after the word "such," to strike out the words "mental or."

Mr. LODGE. That is the same thing.

Mr. REED. The words "mental or" ought not to be stricken out there. They ought to remain in. The committee amendment simply ought to be withdrawn, in order to make it conform to the language previously used.

Mr. SMITH of South Carolina. Mr. President, the subsequent amendment, after the adoption of the amendment of the Senator from Missouri, would be simply accepting the Senate amendment striking out the words "mental or."

Mr. REED. No; you want "mental" here. We have provided for a "mental defect other than those above specifically mentioned," and therefore the word "mental" ought to remain in the bill.

Mr. SMITH of South Carolina. Very well, Mr. President. I accept the amendment, and the committee recedes from its amendment.

The VICE PRESIDENT. Let the Chair understand the situation. Is the same language to be inserted on page 19 that was inserted at the foot of page 18?

Mr. SMITH of South Carolina. No; just leave out the amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

The VICE PRESIDENT. All the committee amendments have been disposed of now save the amendment on page 2, which has been passed over to await the return of the Senator from New York and the Senator from Minnesota.

Mr. GALLINGER. Mr. President, a few days ago I raised a question as to the phrase "constitutional psychopathic inferiority." I afterwards withdrew any objection to it. I desire to have read, for the information of the Senate, a letter which discusses that somewhat peculiar phrase.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SMITH of South Carolina. I should like to have the attention of the Senator from Missouri for a moment.

Mr. GALLINGER. Let the letter be read that I sent to the desk.

Mr. SMITH of South Carolina. Very well.

The Secretary read as follows:

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,  
50 UNION SQUARE, NEW YORK CITY, December 12, 1914.

Hon. JACOB H. GALLINGER,  
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: My attention has been called to the debate in the Senate—December 10, 1914—on the proposed amendment to the immigration law which adds "constitutional psychopathic inferiority" to the excludable conditions.

This is one of the amendments which was suggested by a number of officials dealing with insanity and mental deficiency in the different States and by bodies of alienists last winter. It has been urged by the National Committee for Mental Hygiene, the American Medical Psychological Association, the New York Psychiatric Society, the National Association for the Study of Epilepsy, the Mental Hygiene Committee of the New York State Charities Aid Association, and by a number of State medical societies. It was also recommended by Dr. Spencer L. Dawes in his report to the governor of New York as special commissioner on the alien insane; by Dr. L. Vernon Briggs, representing the Massachusetts State Board of Insanity; by Dr. Frank Woodbury, representing the committee in lunacy of the Pennsylvania State Board of Charities; and by Dr. Hugh Young, representing the Maryland State Lunacy Commission.

It is felt by all who have devoted especial study to the matter that the elimination of any of the amendments proposed for the exclusion of insane and mentally defective immigrants would be a distinct loss, for all of them were suggested only after very careful study of the problem at ports of entry and in public institutions of the United States which bear the heavy burden of the care of insane and mentally defective aliens.

Respectfully, yours,

THOMAS W. SALMON.

Mr. GALLINGER. Inclosed in that letter from Dr. Salmon, who is a very distinguished physician, is a memorandum entitled "Reasons for adding 'constitutional psychopathic inferiority' to the excludable classes named in the immigration law." This is a very interesting memorandum, which I think

possibly the conference committee might want to examine if there is any controversy over this matter, and I ask that without reading it be printed in connection with the letter just read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The memorandum referred to is as follows:

REASONS FOR ADDING "CONSTITUTIONAL PSYCHOPATHIC INFERIORITY" TO THE EXCLUDABLE CLASSES NAMED IN THE IMMIGRATION LAW.

The Government medical officer who is examining immigrants must certify diseased conditions which he finds in the precise language of the immigration law. In no other way can the question of the admission or exclusion of the immigrant be brought before the boards of special inquiry which have the power of deciding the matter. For this reason it is absolutely necessary that medical terms in the immigration law should admit of only one interpretation. In order to do this such terms must be those in recognized use in medicine in this country at the present time. Thus, the term "tuberculosis," which has been in the immigration law since 1907, was used instead of "consumption," because it had a more precise meaning.

The amendments to the immigration bill now under consideration were urged upon Congress to afford this country better protection against the admission of insane or mentally defective immigrants and those likely to become insane than it has at the present time. If this purpose is to be accomplished, the law must name the conditions which it is desired to exclude by terms which will be incapable of misinterpretation by the examining medical officers upon whom the great responsibility of diagnosis rests.

If, as has happened in this case, a term unfamiliar to laymen and unfamiliar to some physicians not engaged in the special field of the alienist has to be used, it is an unfortunate but unavoidable necessity. The term "constitutional psychopathic inferiority" has a definite meaning in that branch of medical science which devotes itself to diseases of the mind.

Definitions are often less illuminating than descriptions, but this term can be defined with approximate correctness as a congenital defect in the emotional or volitional fields of mental activity which results in inability to make proper adjustments to the environment.

The present immigration law specifically mentions idiots, imbeciles, and feeble-minded persons as those whose exclusion is mandatory, and also mentions insane persons and those who have had former attacks of mental disease. Between those enumerated there is an important class which can best be described by the term "constitutional psychopathic inferiority." This condition, while not properly described as insanity or as mental deficiency, in which term we include idiocy, imbecility, and feeble-mindedness, is nevertheless the foundation for most of the types of mental disease. In many instances it is quite impossible, even with the most careful examination, to recognize the existence of constitutional psychopathic inferiority. The life history of the patient is often required for this purpose, but this is not a satisfactory reason for failing to make use of the term in an immigration law, for it is equally true that prostitutes, contract laborers, and persons belonging to many other excludable classes can not all be detected by an examination at the port of entry. It is true, however, that a competent medical examination can detect many cases of constitutional psychopathic inferiority, and that the present medical examination at Ellis Island and other ports of entry does detect such cases, but without avail, as there is no provision in the law for their exclusion.

It is necessary that persons with this condition should not be confounded from those who suffer from a purely intellectual defect. Many persons with marked evidence of constitutional psychopathic inferiority acquire knowledge with ease, and some graduate from college. Their inability to make use of acquired knowledge in governing their lives or meeting the various difficult situations which laws, social customs, and other environmental factors impose characterize the persons who possess constitutional psychopathic inferiority. Inability to make satisfactory adjustment to these factors often results in crime, and thus we find large numbers of persons in this class in the correctional institutions of this country. Those in whom constitutional psychopathic inferiority is shown, particularly in volitional fields, constitute a considerable proportion of habitual petty criminals, vagrants, tramps, and ne'er-do-wells, whose management is an important social problem. They yield readily to temptations of various kinds, and thus we find that a very large proportion of prostitutes, drug habitues, and alcoholics have constitutional psychopathic inferiority. The acquisition of information which would enable a normal person to support himself and his family and become a useful citizen is entirely wasted upon those who lack the power to make a proper choice in conduct or who lack the motive force to carry out any project requiring consecutive effort.

This term is in constant use as a classification of patients admitted to public hospitals for the insane. It means a very definite condition to those who are engaged in the special field of psychiatry. It has its place in textbooks on this subject, and a number of articles have appeared in current medical literature dealing with this condition.

The two following medical articles are general in their treatment of the subject and give very clear pictures of the condition which is described by this term:

"Constitutional inferiority and its psychoses," by Dr. C. P. Oberndorf, *Journal of the American Medical Association*, vol. 58, pp. 249-252. "Psychic constitutional inferiority—some fundamental conceptions," by Dr. Morris J. Karpas, *New York Medical Journal*, vol. 97, pp. 594-598.

Mr. SMITH of South Carolina. The committee amendments having been completed, I ask that the bill be temporarily laid aside.

Mr. GALLINGER. There is one amendment which was not agreed to.

Mr. SMITH of South Carolina. That is understood. There is one amendment that went over.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1914, at 12 o'clock meridian.